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THE
GOVERNMENTAL HISTORY
OF
THE UNITED STATES OF AMERICA,
FROM THE EARLIEST SETTLEMENT
TO THE
ADOPTION OF THE PRESENT FEDERAL CONSTITUTION.
IN FOUR PARTS.

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its national recognition and relations." Etc.

Felix qui potuit rerum cognoscere causas.—VIRGIL.

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TO
THE MEMORY OF
JOSIAH SHERMAN,
(LATE OF ALBANY, N. Y., DEC'D,)

FOR THE RICH LEGACY OF A GOOD EXAMPLE IN HIS OWN LIFE AND CHARACTER:

TO
MRS. JOSIAH SHERMAN,

TO HER WHOSE AFFECTION NURSED MY INFANCY WITH SO MUCH TENDERNESS; DISCIPLINED MY BOYHOOD WITH SO MUCH PRUDENCE; EDUCATED MY YOUTH WITH SO MUCH DISCRETION; WHO, IN HER WIDOWHOOD, GUIDED MY ADVANCING YEARS WITH SO MUCH WISDOM; AND WHO STILL LIVES, IN THE VIGOR OF A SOUND JUDGMENT, AND WITH THE RIPENED EXPERIENCE AND PIETY OF MORE THAN FOUR-SCORE YEARS, TO COUNSEL MY MATURER LIFE:

THIS VOLUME IS INSCRIBED, AS A GRATEFUL, AFFECTIONATE, AND ENDURING
EXPRESSION OF FILIAL OBLIGATION, BY
THEIR SON,

THE AUTHOR.



PREFACE.

THE proud position which the Republic of the United States of America now holds in the scale of nations, and the powerful influences which are emanating from them, make the history of our government and institutions a subject of great interest and importance to mankind in general, but more especially to those who may in any wise be entrusted with their direction and control. In preparing this work for the press, my design has been to place within the reach of every citizen and inhabitant of this country, whether native or foreign-born, a plain and simple history of their origin, together with the causes which have given to them their peculiar and characteristic qualities of freedom, sovereignty, and independence.

It is impossible for the mind of man to fix a limit to the further extension of our national domain, or to the advancement of this great and still growing people, in all the enterprises and arts which contribute to the improvement of society; the sciences which expand and liberalize the human mind; or in the further development of those fundamental principles of civil and religious liberty, which are destined, in their ultimate maturity, to harmonize and happyfy the world.

It is essential that those who are hereafter to possess so magnificent a heritage of birthright or of citizenship, should be thoroughly prepared for the momentous and interesting duties which it may devolve upon them. To be useful to his country and to his race; to preserve and conduct to a more perfect maturity, a system of government so wisely planned, and institutions of freedom so well founded, the citizen of these United States should be well acquainted with their governmental history, from their earliest origin. He should be familiar with the causes which led to the planting of the first settlements made by our forefathers in America; which transformed those settlements into municipal communities, those communities into larger political bodies, and these bodies into incorporated

colonies; and which, in fine, elevated these colonies to the position of free, independent, and sovereign states. He should further understand how it was that these states became united in a permanent confederacy; what causes dissolved this confederacy, and led again to their more perfect, perpetual, and felicitous union under the present Federal Constitution.

In looking over our libraries, I found no work calculated particularly to aid the enquirer in making these acquisitions; while those whence alone this information could be gathered, were either too voluminous or too rare, too ponderous or too expensive, to fall into the hands of the mass of readers. This volume has been prepared, during the intervals of leisure from professional avocations, with a view to supply this deficiency. In compiling it, I am aware that I have entered upon an entirely new field of historical research. Others have directed their investigations, and employed their labors, to elucidate our Civil, our Political, our Military, and our Naval histories, and made the multitude of readers and students sufficiently familiar with these departments of our national annals. But no one, that I am aware, has yet attempted to trace out distinctly to their source and origin, or through the various phases of their development, the peculiar and essential elements of freedom which have given birth to our own peculiar Federal, State, and Municipal systems and forms of government and administration. Hence the difficulties and embarrassments which have attended the completion of this work. A work so novel in its character and aim, and so necessarily comprehensive in its detail, must also of necessity be somewhat wanting in completeness. Yet I trust it is not so much so as materially to impair its value or depreciate its utility, to all classes of men. It is, as I may say, in some sort autoi-biographical. The early adventurers speak from their own records, and tell their own story of the experience and growth of their plantations, and in their own way. The people, in their primary gatherings and their occasional conventions; the colonies, by their charters and their proclamations, by the resolutions of their legislative assemblies and by their legal enactments, make their own record. The colonial congress, by its manifestoes, associations, resolutions, petitions, and addresses; the revolutionary congress, by its state papers, its confederacies, and its ordinances; and, finally, the Federated States, by their own free and independent assumptions of power, and by their proclamations and edicts; all have contributed their own records to eke out this their governmental history. While, on the other hand, the crown, the cabinet, the parliament, and the people of Great Britain, are also allowed to speak to their own side of the controversy which resulted in our severance from that kingdom.

The reader will find a complete table of contents on every page of the work. The general title at the top; underneath this, a more particular index; and commencing and running through each marginal column, a special index and references: all which will render his study of it at once easy and intelligent.

Such are the aims and plan of the work. Such the materials from which it is wrought, and of which it is mostly composed. Such as it is, it is now submitted to the candid and impartial judgment of the people and the press, of the statesman and the jurist, of the teacher and the student. If it shall have the effect to promote a more familiar acquaintance with, and comprehension of, the origin and nature of our free governments and institutions, and a more ardent devotion to those essential elements of religious faith and civil freedom which are the basis of our existence and prosperity as a Sovereign Republic; if it shall serve to inspire a more general and abiding reverence for the paramount importance, and the supremacy, of our FEDERAL CONSTITUTION, and to secure and perpetuate in its original affection and harmony, the fraternity of our NATIONAL UNION, it will not have been elaborated in vain.

HENRY SHERMAN.

HARTFORD, CONN January 2d, 1860.

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THE GOVERNMENTAL HISTORY OF THE UNITED STATES OF AMERICA.

PART I.

THE GOVERNMENTAL HISTORY OF THE FIRST GRAND DIVISION OF THE
CONTINENT OF NORTH AMERICA, CALLED THE FIRST COLONY OF
VIRGINIA—SOUTH VIRGINIA, OR VIRGINIA.

It is at once interesting and instructive to observe ^{Introduc-} by what a singularly slight instrumentality, oftentimes, ^{tion.} great revolutions are originated and accomplished; and how not only the direct, but also the collateral agencies set in operation by passing events, forward the plans of the Omniscient Ruler of the Universe. Incidents, seemingly the most trivial and unimportant, have a momentous bearing upon the character and condition of men and nations. They affect the purposes of individuals, and, through them, in their nearer or more remote sequences, the destinies of communities and states, of kingdoms and empires. While moving in the sphere of their immediate influence we may not note their operation, but after the flight of years, when we come to look back upon the records of experience, we feel how much they have contributed to give to our career its complexion and its shape.

While Christopher Columbus was meditating those splendid projects which afterwards led to the discovery of America, and had in vain appealed to one and another of the powers of Europe to assist him in his proposed enterprise, he dispatched his brother Bartholomew to the court of Henry VII. of England, to negotiate for the patronage of that monarch, while he himself besought the court of Spain. His brother was

^{Specula-}
^{tions and}
^{enterprise}
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^{pher Co-}
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^{He applies}
^{to England}
^{and Spain}
^{for patron-}
^{age.}

Introduction. unfortunately captured and plundered by pirates on his voyage; and after his release was effected, before he found himself in a condition to appear before the haughty sovereign of England, Columbus, discouraged and disgusted at the treatment he was receiving at the court of Spain, indignantly resolved to visit Henry VII. in person. Just as he had begun to carry this resolution into effect the final overthrow of the Moorish Dynasty, by the conquest of Granada, was announced, and gave a new aspect to the affairs of the kingdom of Ferdinand and Isabella. The triumph filled them with the proudest exultation, and produced a liberality of disposition which seemed ready to interest itself in almost any enterprise which might add the lustre of munificence to the glory of conquest.

Columbus resolves to visit England in person

How prevented.

Negotiations of the friends of Columbus with Ferdinand and Isabella. Two personal friends of Columbus, ALONZO DE QUINTANILLA, comptroller of the finances of CASTILE, and LUIS DE ST. ANGEL, receiver of the ecclesiastical revenues in ARRAGON, availing themselves of the favorable posture of affairs, came forward and presented the subject of his proposed enterprise in a well-devised address to the Queen.

Their appeal to the queen. While congratulating her on the auspicious triumph of her arms, they lauded the munificence with which she had hitherto patronized all great enterprises, and expressed their surprise at her indifference to a project "the most splendid that had ever been proposed to any sovereign." They discoursed upon the favorable terms upon which Columbus offered to embark in the adventure, upon his sincerity evinced by his willingness to hazard his own life and fortunes in prosecuting it; and represented, in his design to apply to England, the danger of losing irrevocably the benefits which might result from the success of his schemes, and the glory which would ensue to his patrons.* Then, finally, appealing to the well known piety of Isabella, they spoke of the pre-eminent honor she might win to herself and her kingdom forever, by thus extending the sway of

* Winterbotham. Robertson.

the church, increasing its treasures, and bringing within its sacred pale the benighted and degraded people of unknown and heathen lands. Introduction.

This was the moment of all others the most opportune, and the appeal was not idly or ineffectually made. Isabella ordered Columbus to be recalled, declared that he should be employed on his own terms, and entered so enthusiastically into his speculations, that, on Ferdinand's suggesting the almost exhausted condition of the treasury, she replied, "I will assume the undertaking for my own crown of Castile, and am ready to pawn my jewels to defray the expense of it, if the funds of the treasury should be found inadequate." * * Prescott, vol. 2. Isabella pledges herself to the enterprise.

With this she magnanimously stript her jewels from her person and extended them to St. Angel, who was so overjoyed at the enthusiasm of the Queen that he seized and kissed her hand, and engaged on his own responsibility to advance the monies required, rather than that such an enterprise should be lost or frustrated.

While these scenes were enacting at the court of Spain, Columbus was proceeding on his way towards England wholly ignorant of the efforts which his friends were making in his behalf. When the courier of the Queen overtook him and announced the resolution in his favor, he was completely overpowered by the unexpected intelligence. He repaired at once to Santa Fe where he soon forgot the wrongs and indignities he had suffered during eight tedious years of fruitless negotiation for patronage, in the prospect of and preparations for his splendid enterprise. Columbus receives the patronage of Isabella, 1492.

The terms and conditions for the adventure were concluded on the seventeenth day of April, 1492, as follows :

I. Ferdinand and Isabella, as sovereigns of the ocean, appointed Columbus high-admiral in all the seas, islands and continents which he might discover and conquer, guaranteeing the office to him and his heirs forever, with the privilege of prefixing to their names the Terms of the first enterprise of Columbus.

Introduction. titles of dons, admirals, viceroys, governors, with the like prerogatives possessed and enjoyed by the high-admiral of Castile, within the limits of his jurisdiction.

Terms of the enterprise. II. If for the better administration of affairs in any such islands or territories, it should be necessary to establish a separate authority, Columbus should have the privilege of naming three persons, and the crown to appoint one of the three nominated, to the office of governor or viceroy thereof.

III. The tenth part of all minerals, and of the free profits accruing from the productions or commerce of or with such countries, was given to Columbus and his heirs forever.

IV. If any controversy, or law-suit, should arise with regard to any mercantile transaction, in any such country, it should be determined by the sole authority of Columbus, or by judges appointed by him.

V. Columbus to be entitled to an additional one-eighth part of the profits as aforesaid, provided he advanced an eighth part of the cost of the expedition.

Columbus' first voyage, 1492.

Under these favorable auspices Christopher Columbus embarked, on the third day of August, 1492, on the bosom of that hitherto unmeasured ocean which stretched off from the shores of the old world into the unexplored regions lying towards the setting of the sun, pledging himself to his patrons, by sailing in that direction, to discover another Continent in the Western Hemisphere, or else to disclose a new and more expeditious route to the Indian Ocean.

Aim of this expedition.

The results of his explorations.

I do not propose to enter into a detail of his adventures. It is sufficient for my purpose to remark, that the astonishing results of his explorations disclosed to mankind the existence of a country and tribes of men hitherto unknown to civilized society, and awakened among the rival powers of Europe a bolder spirit of enterprise and adventure: Each became ambitious to extend its dominions, to develop its resources, and to

enrich its treasury ; and each fitted out its expeditions for exploration and discovery. Introduction.

The application of Columbus, by his brother Bartholomew, to Henry VII., though it gained him no patronage, was not without its beneficial effects. When it was proposed to him the sagacious monarch comprehended at once the magnificent project,* and entered warmly into the designs of its author. The subject became a topic of free conversation and frequent discussion in his Court, the attention of scientific men was directed towards it, and a spirit of research and inquiry was awakened and cultivated. The return of Columbus, the triumphant and successful issue of his voyage, the discovery of a new and inhabited region beyond the sea, and his descriptions of the countries in it which he had visited—which even in reality seemed far to surpass the brightest visions of the imagination†—and the presence of a few of the strange natives vouching the veracity of his statements, roused the attention of the whole of Europe, and the Crown of England eagerly assented to the application of some of its subjects to embark in a similar enterprise. Interest of England in America how originated. * Robertson. The proposals of Columbus to Henry VII. how received. Effect of these explorations.

But her attainments in the art of navigation were not now such as to enable her own subjects to carry out these purposes of exploration. For the space of two centuries, while commerce and the mechanic arts were making a steady progress in the north and the south of Europe, England had remained almost insensible to the advantages of her position, and looked with indifference on those projects and arts which have since become her boast, her pride, and her power. While other nations had been busily promoting the interests of trade and navigation, she had remained inactive, unaltered, and unimproved: Her own ships and seamen had not ventured out of sight of her coasts, while her mariners and her merchants were hardly acquainted with the distant ports of Europe.* † See Irving's Columbus. State of Naval Science in England.

Such being her condition, it became necessary, in * Bigland. Robertson.

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Introduction. order to carry on the proposed enterprise of exploration, to look to other countries for experienced mariners and navigators. Henry accordingly invested Giovanni Gabot, or John Cabot, a venetian adventurer, then at Bristol, with the chief command of the expedition. A commission was given to him and three of his sons, Lewis, Sebastian, and Sanctius, empowering them to sail under the flag of England, in any direction, to discover countries as yet unknown to any Christian nation, and to take possession of the same in the name of the Crown of England. This commission was dated March fifth, 1495, but Cabot did not set sail on the enterprise contemplated until the fourth of May, 1497; when he embarked at Bristol, with his son, Sebastian, on board of a vessel which was furnished by the Crown, accompanied by a squadron of smaller vessels prepared and furnished by a company of merchants of that city.

Commission to John Cabot and sons, March 5th, 1495.

Sailing of the Expedition, May 4, 1497.

Aim of the enterprise. The more immediate aim of this expedition was to discover a new route to the East Indies, which, according to the theory of Columbus, it was now generally believed, could be accomplished by sailing directly westward. The countries which he had already discovered were supposed to be adjacent to the Continent of Asia, and to form a part of the "long chain of Indian Islands," hence they were called the West Indies, and the inhabitants received the name of Indians.

Course of the voyage. In accordance with this opinion Cabot directed his course due West. After sailing to that point for several weeks they discovered the Island of Newfoundland. A few days afterwards they reached the Island of St. Johns. They landed at each of them, made cursory observations on the nature of the soil and the climate, took possession of them in the name of the Crown of England, and taking with them three of the natives, embarked on their return voyage, eager to announce the result of the enterprise before attempting any further exploration.

Expeditions of John and Sebastian Cabot under Henry VII., 1497-1498.

The success of this expedition encouraged the par-

ties who had patronized it to fit out a second adventure. Cabot and his son Sebastian were the commanders in this new enterprise, whose aim still was to discover a passage to India. Holding his course to the westward, he reached the continent of North America, and sailed along the coast from 56° to 38° N. L., from Labrador to Virginia. Discovering no inlet which seemed to promise a communication with the Southern or Indian Ocean, and being short of provisions, he returned again to England without having yet made any advances towards a conquest or settlement of the country.*

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Second Expedition, 1698.

Discovery of the Continent of North America.

* See Wilson's U. S. Bigland. Robertson.

Thus much of these incidents in history, by way of introduction, to show how it was that this great Continent was first brought to the knowledge of mankind, and first attracted the interest and the regard of that powerful parent of The United States of America, The Kingdom of Great Britain.

In this age of the world, it was generally conceded by the nations of Europe that the Supreme title to all pagan countries was vested in the Pope of Rome, as the Vicar of Christ on earth; and that it was competent for "His Holiness" to dispose of all regions "wherein no Christian Nation was dwelling or abiding" to any Christian Potentate. Accordingly, on the return of Columbus from his first voyage, Ferdinand and Isabella applied to the Pope for a confirmation of their title to the countries which he had discovered.

Title to the newly discovered country.

The Pontifical Chair was at this time filled by Alexander VI, "a man who although degraded by unrestrained indulgence of the most sordid appetites, was endowed by nature with singular acuteness, as well as energy of character."* He issued three several Bulls, in quick succession, conferring upon Ferdinand and Isabella and their successors, the Sovereign title to all "*Regiones et Insulas, Novi Orbis, in Oceano Occidente, Hispanorum Navigationibus repertas;*" and also to all Islands and Countries, which they might thereafter discover, to the west of a supposed line drawn from pole

Grant of Pope Alexander VI. to Ferdinand and Isabella, A. D. 1493.

* Prescott.

to pole at the distance of one hundred leagues to the west of the Azores and Cape de Verd Islands; as well as over all countries discovered by them whether in the East, or within the boundaries of India; all previous grants and concessions to the contrary notwithstanding.*

* Prescott's Ferdinand and Isabella. 1. Hazard's State Papers.

Its effect upon the discoveries made by England. It is evident that if priority of discovery had, at this time, been regarded as conferring an absolute title in the new country, Henry VII. might in like manner have taken advantage of the result of these expeditions to annex the Continent of North America to his own dominions. But the return of Cabot found the nation embroiled in a war with a neighboring Island, while she had scarcely recovered from the civil feuds which had then recently convulsed her western provinces. Henry VII. was also too solicitous of retaining the friendship of Ferdinand, being engaged in negotiating an alliance between his eldest son and Catharine, the daughter of that monarch. He therefore, courteously rather than justly, conceded that the Islands and territories which Cabot had discovered, might be comprehended within the very liberal grant made to Ferdinand and Isabella, by the Pope. Nor had even kings, in that day, the hardihood or impiety to question the validity of a donative from the See of Rome.*

* Bigland. Robertson. Prescott.

Expeditions to America abandoned.

These circumstances and considerations induced the Crown of England to abandon the idea of another expedition to the New World; and no more material improvement was made of the discovery than that the private enterprise of a few individuals carried on at straggling intervals a fishing and fur trade with the natives. A period of more than sixty years was permitted to pass away before the Crown became again actively interested in its discoveries in America. A variety of causes, which I need not detail, had combined to withdraw attention from a subject which was destined to become one of deep and thrilling interest to the whole world.

It was reserved for the spirited and efficient reign of Elizabeth in a measure to accomplish what her predecessors had, through effeminate indolence, papal fear, negligence, or want of ability, left so shamefully undone. The peaceful reign to which she succeeded, and the tranquility which attended the first thirty years of her own auspicious administration, had combined to promote the growth of commercial enterprise, to give a wider range to the investigations of science, to encourage the mechanic arts, and to protect and foster all the departments of learning, trade, and industry in her kingdom. The rapid progress made in the art of navigation, in a few years, nearly outran the attainments of more experienced nations, a navy was built up, seamen were fostered, and adventurers were encouraged and multiplied. The wide field of exploration into which she sent forth her subjects quickened their energy, while their achievements were the most admirable and astonishing. But we must pass by the various projects for discovery which gave lustre to her reign, and confine ourselves more particularly to those which may be regarded as the origin and commencement of our own Governmental History.

Elizabeth
revives the
enterprises
of Commerce
and Navigation,
1578.

Maritime
progress
under Elizabeth.

It was her jealousy of rival powers, coupled with an ambition to enlarge her own dominions, which prompted Elizabeth to turn her attention to the New World. The proud spirit of the Tudors could not brook rivalry or superiority. The vast revenues which Spain was reaping from her discoveries in these new regions of the West excited her emulation; and she resolved to explore and to settle the country which had simply been discovered, and but carelessly visited. A few of her subjects, men of rank and opulence, had caught her spirit and projected a plan for a permanent settlement. It was submitted to the Queen and met with her hearty co-operation.

Elizabeth
turns her
attention
to the New
World,
1578.

On the eleventh day of June, 1578, she issued a patent to Sir Humphrey Gilbert, its chief projector, author-

Patent to
Sir Humphrey
Gilbert, 1578.

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Patent of
Elizabeth
to Sir
Humphrey
Gilbert,
1578.

Liberal
provisions
of the

izing and empowering him "to discover and take possession of, all unknown and heathen lands wherein no Christian People were dwelling or abiding"—giving, to him and his heirs, full right and title to all the countries of which he might take possession; to be holden of the Crown of England, rendering homage, and paying one-fifth of whatever gold or silver ore might be found therein,—with power, to him and his heirs, to dispose of any portion of the same to settlers in fee simple; *provided always*, that such sales should be made agreeably with the laws of England—the settlers to have and enjoy all the privileges of free denizens and natives of the mother country, any law, custom, or usage to the contrary notwithstanding. Sir Humphrey Gilbert and his heirs were invested with full jurisdiction over all the settlements planted by him, with all powers and royalties, marine, civil and military; with power to convict, pardon, punish, govern and rule, as well in cases capital or criminal as civil, both maritime and other, all persons who from time to time should settle therein, according to such laws, statutes, and ordinances as by him, his heirs or assigns should be devised or established for their better government." Free license was given to any of her subjects to transport themselves and to settle in the countries he might discover, while all persons were "prohibited attempting to plant an independent colony within two hundred leagues of any place, which Sir Humphrey Gilbert and his associates may have occupied for the space of six years."

Such were the liberal powers and immunities with which Sir Humphrey Gilbert was endowed, and which were to encourage the expedition now proposed for planting an English Colony in America. His personal worth and consideration, united with the distinguished exertions of his half-brother Sir Walter Raleigh, soon procured a number of associates in the adventure. But the success of the enterprise was not equal to the zeal of its patrons, or the efforts of its projector. He made

two attempts to plant a settlement by which nothing further was accomplished than to take formal possession of the continent in the name of the Crown. The absence of all acquaintance with the country, the insufficiency of the preparations made for establishing a settlement, the mutinies and insubordination of his crew, and the loss of his most valuable vessels by shipwreck, were the material causes which hindered the accomplishment of his aims. They were at length fully frustrated by a violent storm encountered off the shores of Cape Breton, during which his vessel was wrecked and himself perished in the sea.*

Under the Patent of Elizabeth to Sir Humphrey Gilbert, 1578.

Termination of his adventures.

* Robertson. Story.

The equally bold and zealous spirit of Sir Walter Raleigh, who did not accompany these expeditions, was not disheartened by the unfortunate fate of his kinsman. He made an application to the Queen and received a patent containing as liberal a bestowment of powers and privileges. Under its protection he fitted out a small expedition which made a few discoveries farther to the South, but did not effect any settlement. Sailing into Albemarle and Pamlico sounds, they engaged in a little traffic with the natives, derived from them some information of the country, and, taking two of them on board of their vessel, returned again to England in September of the same year.

Patent to Sir Walter Raleigh, April 27, 1584.

Expedition under this Patent.

The season of the year at which they approached the coast of America, combined with the general aspect of the country and the purity of the climate, to produce the most pleasing impressions upon these adventurers. The eye was never tired with gazing upon, and the imagination was completely charmed by, the wild scenes of beauty and luxuriance which opened before their astonished vision. The majestic Bay, the verdant islands, the placid river, the rich forest, the exuberant soil, and the salubrious clime, were a most enchanting sequel to the fatigues and the hardships, the exposure and the perils, of their uncertain and tedious voyage. They were remembered and described, on their return, with the

Their arrival in America. Aspect of the country.

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VIRGINIA,

How
named by
Elizabeth.

most glowing enthusiasm. Elizabeth was so fascinated with their descriptions that she bestowed upon the country the name of VIRGINIA, in memorial that a discovery so felicitous had been made under the auspices of a Virgin Queen.

Planting
of Roanoke,
1585.

Sir Walter Raleigh was also encouraged by these descriptions of the country, to make further preparations for its settlement, and accordingly fitted out another expedition, which sailed on the nineteenth day of April, 1585. It consisted of seven small vessels, under the direction of Sir Richard Grenville, who planted a settlement at Roanoke, and entrusting the supervision of it to Ralph Lane, set sail on his return to England in August of the same year. This settlement consisted of about one hundred and eight persons, who were chiefly occupied in making scientific observations and exploring the resources of the country. The approach and progress of winter, the failure of their stores, the hostility of the natives, and the ravages of disease, conspired to diminish their numbers and to threaten their entire extinction. A few of them survived till the month of June following, when they were cheered by the arrival of Sir Thomas Drake, who was then returning with a small fleet from a naval expedition against

The Settlement abandoned
June, 1586.

the Spaniards in the West Indies, and availing themselves of this opportunity they all embarked for England.

Harriott's
Narrative.

Among this handful of adventurers whose necessities thus compelled them to return to their native land, was one Richard Harriott, a man of much learning and science, and great practical energy and intelligence. He had employed himself industriously during his adverse residence on the New Continent, in philosophical researches; in making observations on its soil, climate and productions; and upon the manners, customs, and extent of its native population.

Its publication in
England,
1587.

The result of his labors was given to the public, was sought after and read with great avidity, and increased the already glowing desire

of the nation for the occupation and settlement of the country. One of the principal products cultivated by the natives was tobacco; which was at this date first introduced to the acquaintance of civilized society; specimens of it were taken to England, and, says the historian of those times, "the use of it was fondly adopted by Raleigh and some young men of fashion."

Early in the succeeding year Sir Walter Raleigh fitted out a third expedition to America, under the direction of Captain John White, which was composed of a large number of adventurers with their wives and families. This company was regularly organized; they received a charter naming them *The Governor and Assistants of the City of Raleigh, in Virginia*. Capt. White was appointed their Governor, with twelve assistants, who together constituted a board or council, in whom were vested the executive, judicial, and legislative powers of the Colony.

Capt. White was instructed to plant the settlement on the shores of the Chesapeake, but arriving at Roanoke in the month of July, when everything combined to give the most favorable impressions of the station, he determined to remain there, and at once set about organizing his infant community. But after the first flow of joyful emotion on account of their safe arrival had subsided, and they began to realize their true condition, these adventurers were surprised to find themselves on a shore covered with dismal swamps, with thick and seemingly interminable forests, inhabited by naked savage tribes, and withal to learn that they were but poorly provided with the means of sustenance, or the appliances necessary for their permanent settlement, safety, and comfort, in so wild a region.

A request was unanimously made that Capt. White would return and solicit from their patrons at home such supplies as were needful for the maintenance and preservation of the plantation. His appearance in England on this errand happened at a most unfavorable juncture;

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The result of his mission. just as the famous Armada of the second Philip of Spain was threatening the kingdom. Raleigh and his coadjutors were now occupied with the more thrilling and momentous interests of the mother country; the few and enfeebled adventurers who languished on the distant coast of America were forgotten or neglected, and left to perish without sympathy or consolation.

He returns to Virginia, 1590. Governor White came over again to America in the year 1590, with supplies and recruits for the colony, but they found no traces of its existence, nor a soul to tell the experience or the fate of those who had so nobly dared to remain in it, and they returned again to England, September, 1590.

Returns again to England. Here and thus terminated the last attempt made during the reign of Elizabeth to settle Virginia. Sir Walter Raleigh, whose commanding genius and splendid accomplishments gave lustre and energy to whatever enterprise he extended his patronage, had conceived a new project of settling a large district in Ireland, of which he had received a grant from the Queen. Other projects equally fascinating, and rendered the more attractive to his adventurous spirit because of the difficulty of their achievement, at the same time interested his attention and supplanted the late favorite idea of settling Virginia. He transferred all his interest in it, by assigning his patent to Sir Thomas Smith and a company of merchants, under whose auspices several voyages were made for the purposes of traffic with the Indians, but they were not attended with any noticeable or praise-worthy efforts to meliorate the condition of the country.

The settlement of America again abandoned, 1590. Thus at the decease of Elizabeth, in 1603, notwithstanding all the enterprise that had been lavished, the lives which had been sacrificed, and the wealth which had been expended, there was not one white man known to be living in America. Without staying to speculate upon the various causes which had operated to prevent a permanent settlement in the country, otherwise than

Transfer of his patent by Sir Walter Raleigh.

Condition of Virginia at the decease of Elizabeth, 1603.

as our narrative has developed them, the fact is one which addresses itself with singular interest to the reflective mind. The conviction can hardly be resisted that this portion of the New World was marked out by the Omniscient Ruler of mankind, as the spot where should be witnessed the rise of a nation, the history of whose government and institutions should mark the developement of elements in the human character, and in human government, such as the annals of our race had never yet recorded. Neither the time nor the occasion for its origin had yet fully come. It was not ambition, nor gain, nor rank, nor wealth which were destined to accomplish it. These shores did not, like those discovered by the Spanish and Portuguese navigators, abound in mines of gold or of silver ore; they presented only an extended territory, a genial climate, a luxuriant and fertile soil. They opened no fountains whence the possessors might draw instant wealth, without labor or industry, but their value was to be known and their profit gathered only in the fulfillment of the anathema "in the sweat of thy brow shalt thou eat thy bread."

The moral of its condition.

Its aspect and resources compared with the Spanish discoveries in America.

No votary of pleasure, no lover of indolence or of luxury, no effeminate scion of royalty, could find a place convenient for him on these desolate and inhospitable shores. This great continent was destined to be the abode of a mighty, magnanimous, and influential people, and must be settled by hardy, industrious and well-bred adventurers, who must conquer its heathenism, people its territories, subdue its forests, level its mountains, cultivate its plains, and plant the institutions of a free government and a free religion broadcast over its extended surface, before they or mankind should know where lay buried its heaps of gold and its treasures of silver.

It is not till after the accession of James I. to the throne that we find recorded any further attempts at a settlement of the continent of North America. The

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Creation of the First and Second Colony of Virginia, April 10, 1606. first permanent one was made under the auspices of his reign. He divided that portion of the country which lies between 34° and 45° N. L. into two parts nearly equal. The one he called THE FIRST, the other THE SECOND, COLONY OF VIRGINIA; and distributed them, under a charter dated April 10th, 1606, as follows, viz. :

THE FIRST CHARTER OF JAMES I.

First charter of James I. Preamble. I. James I., by the "Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. WHEREAS our loving and well disposed subjects, Sir Thomas Gates, and Sir George Somers, Knights; Richard Hackluit, Clerk, Prebendary of Westminster; and Edward-Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs.; William Parker, and George Popham, Gentlemen; and divers others of our loving subjects, have been humble suitors unto us, that we would vouchsafe unto them our licence, to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America, commonly called Virginia, and other parts and territories in America, either appertaining unto us, or which are not now actually possessed by any Christian Prince or People, situate, lying and being all along the sea coasts between four and thirty degrees of northerly latitude from the Equinoctial line, and five-and-forty degrees of the same latitude, and in the main land between the same four-and-thirty and five-and-forty degrees, and the Islands thereunto adjacent, or within one hundred miles of the coasts thereof.

Limitations of the grant.

Preamble. II. And to that end, and for the more speedy accomplishment of their said intended plantation and habitation there, are desirous to divide themselves into two several colonies and companies; the one consisting of certain knights, gentlemen, merchants and other adventurers, of our city of London and elsewhere, which are and from time to time shall be, joined unto them, which do desire to begin their plantation and habita-

tion in some fit and convenient place, between four-and-thirty and one-and-forty degrees of the said latitude, alongst the coasts of Virginia and coast of America aforesaid; and the other consisting of sundry knights, gentlemen, merchants, and other adventurers, of our cities of Bristol and Exeter, and of our Town of Plimouth, and of other places which do join themselves unto that Colony, which do desire to begin their plantation and habitation in some fit and convenient place, between eight-and-thirty degrees and five-and-forty degrees of the said latitude, all alongst the said coast of Virginia and America as that coast lyeth.

III. We greatly commending and graciously accepting of, their desires for the furtherance of so noble a work, which may, by the Providence of Almighty God, hereafter tend to the Glory of His Divine Majesty, in propagating of Christian Religion to such People as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages, living in those parts, to human civility, and to a settled and quiet government; Do by these our letters pattents, graciously accept of, and agree to, their humble and well intended desires.

IV. And do therefore, for us, our heirs, and successors, grant and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit and Edward-Maria Wingfield, adventurers of and for our City of London, and all such others as are, or shall be joined unto them of that Colony, shall be called THE FIRST COLONY: and they shall and may begin their said first plantation and habitation, at any place upon the said Coast of Virginia or America, where they shall think fit and convenient, between the said four-and-thirty and one-and-forty degrees of the said latitude; and that they shall have all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments whatsoever, from the said first seat of their plantation and habita-

Creation of
the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

Motive of
the grant.

Patentees
and loca-
tion of the
First Colo-
ny.

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Creation of
the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

Limits of
the First
Colony.

tion by the space of fifty miles of English statute measure, towards the west and south-west, as the coast lyeth, with all the Islands within one hundred miles directly over against the same sea-coast; and also all the lands, soil, grounds, havens, ports, rivers, mines, minerals, woods, waters, marshes, fishings, commodities, and hereditaments whatsoever, from the said place of their first plantation and habitation for the space of fifty like English miles, all along the said coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, together with all the Islands within one hundred miles, directly over against the said sea-coast; and also all the lands, woods, soil, grounds, havens, ports, rivers, mines, minerals, marshes, waters, fishings, commodities, and hereditaments whatsoever, from the same fifty miles every way on the sea-coast, directly into the main land by the space of one hundred like English miles; and shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better safe-guard and defence, according to their best discretion, and the discretion of the Council of that Colony: and that no other of our subjects shall be permitted, or suffered, to plant or inhabit behind, or on the backside of them, towards the main land, without the express licence or consent of the Council of that Colony, thereunto in writing first had and obtained.

Patentees
and local-
ity of the
Second
Colony.

V. And we do likewise, for us, our heirs, and successors, by these presents, grant and agree, that the said Thomas Hanham, and Raleigh Gilbert, William Parker and George Popham, and all others of the Town of Plimouth, in the county of Devon, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called THE SECOND COLONY: and that they shall and may begin their said Plantation and seat of their first abode and habitation, at any place upon the said coast of Virginia and America where they shall think fit and convenient, between thirty-eight degrees of the said latitude,

and forty-five degrees of the same latitude ; and that they shall have all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the first seat of their plantation and habitation, by the space of fifty like English miles, as is aforesaid, all along the said coast of Virginia and America, towards the west and south-west, or towards the south as the coast lyeth, and all the Islands within one hundred miles directly over against the said sea-coast ; and also all the lands, soils, grounds, havens, ports, rivers, mines, minerals, woods, marshes, waters, fishings, commodities, and hereditaments whatsoever, from the said place of the first plantation and habitation for the space of fifty like miles all along the coast of Virginia and America, towards the east and north-east, or towards the north, as the coast lyeth, and all the Islands also within one hundred miles directly over against the same sea-coast ; and also all the lands, soils, grounds, havens, ports, rivers, woods, mines, minerals, marshes, waters, fishings, commodities, and hereditaments, whatsoever, from the same fifty miles every way on the sea-coast, directly into the main land, by the space of one hundred like English miles ; and shall and may inhabit and remain there ; and shall and may also build and fortify within any the same for their better safeguard, according to their best discretion, and the discretion of the Council of that Colony ; and that none of our subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main land, without the express licence of the Council of that Colony in writing thereunto first had and obtained.

Creation of
the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

Limits of
the Sec-
ond Colo-
ny.

VI. *Provided always*, and our will and pleasure here-
in is that the Plantation and habitation of such of the
said Colonies; as shall last plant themselves, as aforesaid,
shall not be made within one hundred like English
miles of the other of them, that first began to make
their plantation, as aforesaid.

PROVISO.

PART I.

VIRGINIA,

- Creation of the First and Second Colony of Virginia, April 10, 1606. VII. And we do also ordain, establish, and agree, for us, our heirs, and successors, that each of the said Colonies shall have a Council, which shall govern and order all matters and causes which shall arise, grow or happen, to or within the same several Colonies, according to such laws, ordinances, and instructions, as shall be in that behalf, given and signed with our hand or sign manuel, and pass under the Privy Seal of our realm of England; each of which Councils shall consist of thirteen persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; and shall have a several seal, for all matters that shall pass or concern the same several Councils; each of which seals shall have the King's arms engraven on the one side thereof, and his portraiture on the other; and that the seal for the Council of the said FIRST COLONY shall have engraven round, about, on the one side, these words, *Sigillum Regis Magnæ Britannię, Francię, et Hibernię*; on the other side this inscription round about; *Pro Concilio Primę Colonię Virginie*. And the seal for the Council of the said SECOND COLONY shall also have engraven round about the one side thereof the aforesaid words: *Sigillum Regis Magnę Britannię, Francię, et Hibernię*; and on the other side, *Pro Concilio Secundę Colonię, Virginie*.
- Councils to have Seals.
- Seal of the First Colony.
- Seal of the Second Colony.
- Supreme Council in England.
- Jurisdiction of.
- Seal of.

like arms and portraiture, as aforesaid, with this inscription, engraven round about on the one side: *Sigillum Regis Magnæ, Britannicæ, Franciæ, et Hiberniæ*; and round about the other side, *Pro Concilio suo Virginiae*. Creation of the First and Second Colony of Virginia, April 10, 1606.

IX. And moreover, we do grant and agree, for us, our heirs and successors, that the said several Councils, of and for the said several Colonies, shall and lawfully may, by virtue hereof, from time to time, without any interruption of us, our heirs or successors, give and take order, to dig, mine, and search for all manner of mines of gold, silver, and copper, as well within any part of their said several Colonies, as of the said main lands on the backside of the same colonies; and to have and enjoy the gold, silver, and copper, to be gotten thereof, to the use and behoof of the same Colonies, and the plantations thereof; yielding therefor to us, our heirs and successors, the fifth part only of all the same gold and silver, and the fifteenth part of all the same copper, so to be gotten or had, as is aforesaid, without any other manner of profit or account, to be given or yielded to us, our heirs, or successors, for or in respect of the same. Power to search for and dig mines. Ores how to be disposed of.

X. And they shall, or lawfully may, establish and cause to be made a coin, to pass current there between the people of those several Colonies, for the more ease of traffick and bargaining between and amongst them and the natives there, of such metal, and in such manner and form, as the said several councils there shall limit and appoint. May coin Money.

XI. And we do likewise, for us, our heirs and successors, by these presents, give full power and authority to the said Sir Thomas Gates, Sir George Somers, Richard Hacluit, Edward-Maria Wingfield; Thomas Hanham, Raleigh Gilbert, William Parker and George Popham; and to every of them, and to the said several companies, plantations, and colonies, that they and every of them, shall and may at all and every time and times hereafter, May solicit and transport adventurers.

PART I.

VIRGINIA,

Creation of the First and Second Colony of Virginia, April 10, 1606. have, take, and lead in the said voyage, and for and towards the said several Plantations and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our subjects, as shall willingly accompany them, or any of them, in the said voyages and plantations;

May fit out and furnish ships, etc. with sufficient shipping, and furniture of armour, weapons, ordnance, powder, victual, and all other things necessary for the said Plantations, and for their use and defence there. *Provided always*, that none of the said persons be such, as shall hereafter be specially restrained by us, our heirs, or successors.

May repel intruders. XII. Moreover, we do, by these presents, for us, our heirs, and successors, give and grant licence unto the said Sir Thomas Gates, etc., and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several defences, encounter, expulse, repel and resist, as well by sea as by land, by all ways and means whatsoever, all and every such person and persons, as without the special licence of the said several Colonies and plantations, shall attempt to inhabit within the said several precincts and limits of the said several colonies and plantations, or any of them, or that shall enterprise or attempt, at any time hereafter the hurt, detriment, or annoyance, of the said several colonies or plantations.

Power to exact duties from Traders to the Colonies. XIII. Giving and granting, by these presents, unto the said Sir Thomas Gates, etc., and their associates of the said First Colony; and unto the said Thomas Hanham, etc., and their associates of the said Second Colony, and to every of them from time to time, and at all times forever hereafter power and authority to take and surprise, by all ways and means whatsoever, all and every person and persons, with their ships, vessels, goods, and other furniture, which shall be found trafficking, into any harbour or harbours, creek or creeks, or place, within the limits or precincts of the said several colo-

nies and plantations, not being of the same colony, until such time, as they, being of any realms or dominions under our obedience, shall pay or agree to pay, to the hands of the Treasurer of that Colony, within whose limits and precincts they shall so traffick, two and a half upon every hundred, of any thing so by them trafficked, bought, or sold: And being strangers and not subjects under our obeysance, until they shall pay five upon every hundred, of such wares and merchandises, as they shall traffick, buy, or sell, within the precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid: Which sums of money, or benefit as aforesaid, for and during the space of one and twenty years, next ensuing the date hereof, shall be wholly employed to the use, benefit, and behoof of the said several plantations, where such traffick shall be made; and after the said one and twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers, as by us, our heirs and successors, shall be thereunto assigned or appointed.

Creation
of the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.
Duties on
British
subjects.

On stran-
gers.

Duties to
the use of
the Colo-
nies for 21
years, and
then to the
Crown.

XIV. And we do further, by these presents, for us, our heirs, and successors, give and grant unto the said Sir Thomas Gates etc., and to their associates of the said First Colony and plantation; and to the said Thomas Hanham etc., and their associates of the said Second Colony and plantation, that they, and every of them, by their deputies, ministers, and factors, may transport the goods, chattels, armour, munition, and furniture, needful to be used by them, for their said apparel, food, defence, or otherwise in respect of the said plantations, out of the realms of England and Ireland, and all other our dominions, from time to time, for and during the time of seven years, next ensuing the date hereof, for the better relief of the said several colonies and plantations, without any custom, subsidy, or other duty, unto us, our heirs, or successors, to be yielded or paid for the same.

Certain
articles ex-
empt from
duties.

PART I.

VIRGINIA,

Creation
of the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

Inhabit-
ants and
their chil-
dren to
have all the
privileges
of British
subjects.

Penal re-
strictions
on trade.

Proviso
against
Robberies
and Pira-
cies.

XV. Also we do, for us, our heirs, and successors, declare, by these presents, that all, and every the persons, being our subjects, which shall dwell and inhabit within every or any of the said several Colonies, and plantations, and every of their children, which shall happen to be born within any of the limits and precincts of the said several colonies and plantations, shall have and enjoy all liberties, franchises, and immunities, within any of our dominions, to all intents and purposes, as if they had been abiding and born, within this our realm of England, or any other of our said Dominions.

XVI. Moreover, our gracious will and pleasure is, and we do, by these presents, for us, our heirs, and successors, declare and set forth, that if any person or persons, which shall be of any of the said colonies and plantations, or any other, which shall traffick to the said colonies and plantations, or any of them, shall at any time or times hereafter, transport any wares, merchandises, or commodities, out of any of our dominions, with a pretence to land, sell, or otherwise dispose of the same, within any the limits and precincts of any the said Colonies and plantations, and yet nevertheless, being at sea, or after he hath landed the same within any of the said Colonies and plantations, shall carry the same into any foreign country, with a purpose there to sell or dispose of the same, without the licence of us, our heirs, and successors, in that behalf first had and obtained; that then, all the goods and chattels of such person or persons, so offending and transporting, together with the said ship or vessel, wherein such transportation was made, shall be forfeited to us, our heirs, and successors.

XVII. *Provided always*, and our will and pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any person or persons, which shall hereafter be of any of the said several Colonies and plantations, or any other, by his, their or any of their licence and appointment, shall, at any time or

times hereafter, rob or spoil, by sea or by land, or do any act of unjust and unlawful hostility, to any the subjects of us, our heirs or successors; or any the subjects of any King, Prince, Ruler, Governor, or State, being then in league and amity with us, our heirs, or successors; and that upon such injury, or upon just complaint of such Prince, Ruler, Governor, or State, or their subjects, we, our heirs, or successors, shall make open proclamation, within any of the ports of our Realm of England, commodious for that purpose, that the person or persons, having committed any such robbery or spoil, shall, within the term to be limited by such proclamation, make full restitution or satisfaction of all such injuries done; so as the said Princes, or others so complaining, may hold themselves fully satisfied and contented; and that, if the said person or persons, having committed such robbery or spoil, shall not make, or cause to be made, satisfaction accordingly, within such time so to be limited, that then it shall be lawful to us, our heirs, and successors, to put the said person or persons having committed such robbery or spoil, and their procurers, abettors, or comforters, out of our allegiance and protection; and that it shall be lawful and free for all Princes, and others, to pursue with hostility the said offenders, and every of them, and their and every of their procurers, aiders, abettors, and comforters, in that behalf.

XVIII. And finally, we do, for us, our heirs, and successors, grant and agree, to and with the said Sir Thomas Gates etc., and all others of the said First Colony, that we, our heirs and successors, upon petition in that behalf to be made, shall, by letters patent under the great seal of England, give and grant unto such persons, their heirs, and assigns, as the Council of that Colony, or the most part of them, shall, for that purpose nominate and assign, all the lands, tenements, and hereditaments which shall be within the precincts limited for that Colony, as is aforesaid, to be holden of us,

Creation of
the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

Lands how
to be
granted
and held
in the
First Colo-
ny.

PART I.

VIRGINIA,

Creation of the First and Second Colony of Virginia, April 10, 1606.

our heirs, and successors, as of our Manor of East-Greenwich, in the County of Kent, in free and common soccage only, and not *in capite*.

Lands how to be conveyed and held in the Second Colony.

XIX. And do, in like manner, grant and agree for us, our heirs, and successors, to and with the said Thomas Hanham etc., and all others of the said Second Colony, that we, our heirs and successors, upon petition in that behalf to be made, shall, by letters patent, under the great seal of England, give and grant unto such persons, their heirs, and assigns, as the Council of that Colony, or the most part of them, shall, for that purpose, nominate and assign, all the lands, tenements, and hereditaments, which shall be within the precincts limited for that Colony, as is aforesaid, to be holden of us, our heirs, and successors, as of our Manor of East-Greenwich in the County of Kent, in free and common soccage only, and not *in capite*.

Lands conveyed by Patentees assured to settlers.

XX. All which lands, tenements, and hereditaments, so to be passed by the said several letters patent, shall be sufficient assurance from the said Patentees, so distributed and divided amongst the undertakers for the plantation of the said several Colonies, and such as shall make their plantations in either of the said several Colonies, in such manner and form, and for such estates, as shall be ordered and set down by the Council of the said Colony or the most part of them, respectively, within which the same lands, tenements, and hereditaments shall lye or be; although express mention of the true yearly value, or certainty of the premises, or any of them, or of any other gifts or grants, by us, or any of our progenitors or predecessors to the aforesaid Sir Thomas Gates, knight, Sir George Somers, knight; Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these presents, is not made; or any statute, act, ordinance, or provision, proclamation, or restraint, to the contrary hereof had, made, ordained; or any other thing, cause

or matter whatsoever, in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patents; witness ourself at Westminster, the tenth day of April in the fourth year of the Reign of England, France, and Ireland, and of Scotland the nine-and-thirtieth.

Creation of
the First
and Sec-
ond Colo-
ny of Vir-
ginia,
April 10,
1606.

LUKIN.

*Per breve de priviato Sigillo.**

These letters Patent were followed in November of the same year by a series of "*Articles, Instructions, and Orders, made, set down and established by us, the twentieth day of November, in the year of our Raigne of England, France, and Ireland, the fourth, and of Scotland the fortieth, for the good order and government of THE TWO SEVERAL COLONIES AND PLANTATIONS to be made by our loving subjects, in the Country commonly called VIRGINIA AND AMERICA, between thirty-four and forty-five degrees from the equinoctial line.*"

*1, Hen-
ning's Stat-
utes, 57.

WHEREAS WE, by our letters patents, under our great seal of England, bearing date at Westminster, the tenth day of April in the year of our raigne of England, France, and Ireland, the fourth, and of Scotland the thirty-ninth, have given licence to sundry our loving subjects named in the said letters pattents and to their associates, to deduce and conduct two several Colonies or Plantations of sundry our loving people willing to abide and inhabit in certain parts of Virginia and America, with divers pre-heminences, privileges, authorities and other things, as in and by the same letters pattents more particularly it appeareth, we according to the effect and true meaning of the same letters pattents, do by these presents, signed with our hand, sign manuel and sealed with our Privy seal of our Realm of England, establish and ordaine, that our trusty and well beloved Sir William Wade, knight; our Lieutenant of our Tower of London; Sir Thomas Smith, knight; Sir

Recital of
Charter.

PART I.

VIRGINIA,

Instructions for the government of the First and Second Colony, Nov. 20, 1606.

Walter Cope, knight; Sir George Moor, knight; Sir Francis Popeham, knight; Sir Fernando Gorges, knight; Sir John Trevor, knight; Sir Henry Montague, knight, recorder of the city of London; Sir William Rumney, knight; John Dodderidge, Esq., Solicitor General; Thomas Warr, Esqr; John Eldred of the City of London Merchant; Thomas James of the City of Bristol Merchant; and James Bagge of Plymouth,

The King's Council established.

in the County of Devonshire Merchant: Shall be our Council for all matters which shall happen in Virginia or any the territories of America, between thirty-four and forty-five degrees from the æquinoctial line, northward, and the Islands to the several Colonies limited and assigned, and that they shall be called the King's Council of Virginia, which Council, or the most part of them shall have full power and authority, at our pleasure, in our name, and under us, our heirs, and successors; to give directions to the councils of the several Colonies which shall be within any part of the said Country of Virginia and America within the degrees first above mentioned, with the Islands aforesaid, for the good government of the people to be planted in those parts, and for the good ordering and disposing of all causes happening within the same, and the same to be done for the substance thereof, as near to the Common Lawes of England, and the equity thereof as may be, and to pass under our seal, appointed for that Council; which Council, and every and any of them shall, from time to time be increased, altered, or changed, and others put in their places, at the nomination of us, our heirs, and successors, and at their and our will and pleasure; and the same Council of Virginia, or the more part of them, for the time being, shall nominate and appoint the first several councillors of those several Colonies, which are to be made Colonies or Plantations in Virginia and America, between the degrees before mentioned according to our said letters pattents in that behalf made; and that each of the same councils of

Their powers, &c.

Members of the Colonial Councils, how appointed.

the same several Colonies shall, by the major part of them, choose one of the same Council, not being the minister of God's word, to be president of the same Council, and to continue in that office, by the space of one whole year, unless he shall in the mean time dye or be removed from that office: And wee do further hereby establish and ordain, that it shall be lawful for the major part of either of the said Councils, upon any just cause, either absence or otherwise, to remove the President, or any other of that Council from being either President, or any of that Council; and upon the deaths, or removal of any of the Presidents, or Council, it shall be lawful for the major part of that Council to elect another in the place of the party soe dying or removed, soe always, as they shall not be above thirteen of either of the said Councils. And wee doe establish, and ordaine, that the President shall not continue in his office of Presidentship above the space of one year:

Instruc-
tions, &c.,
Nov. 20,
1606.

President
of Colonial
Councils,
how
chosen.

Removal
of, &c.

Vacancy,
how filled.

Term of
office of
President.

And wee doe specially ordaine, charge, and require, the said Presidents and Councils, and the ministers of the said several Colonies respectively, within their several limits and precincts, that they, with all diligence, care and respect, doe provide that the true word, and service of God and Christian faith be preached, planted, and used, not only within every of the said several Colonies and Plantations, but also as much as they may among the Savage people, which doe or shall adjoine them, or border upon them, according to the doctrine, rights, and religion now professed and established within our Realm of England; and that they shall not suffer any person or persons to withdrawe any of the subjects or people inhabiting, or which shall inhabit within any of the said several Colonies and Plantations, from the same, or from their due allegiance unto us, our heirs, and successors, as their immediate sovereigne under God; and if they shall find within any of the said Colonies and Plantations, any person or persons so seeking to

The Chris-
tian Reli-
gion to be
established
and the
Bible to be
preached
among
them as in
England.

Penalty
for with-
drawing
persons
from their
religion or
allegiance.

PART I.

VIRGINIA,

Instruc-
tions, &c.
Nov. 20,
1606.

withdrawe any of the subjects of us, our heirs and successors, or any of the People of those lands or territories, within the precincts aforesaid, they shall with all diligence, him or them so offending cause to be apprehended, arrested, and imprisoned, until he shall fully and thoroughly reforme himself; or otherwise, when the cause so requireth, that he shall, with all convenient speed be sent into our Realm of England, here to receive condigne punishment for his or their said offence or offences :

Lands,
how to
descend
and pass.

And moreover wee doe hereby ordaine and establish for us, our heirs, and successors, that all the lands, tenements, and hereditaments, to be had and enjoyed by any of our subjects within the precincts aforesaid, shall be had, and inherited, and enjoyed, according as in the like estates they be had and enjoyed by the lawes within this Realm of England. And that the offences of

Capital of-
fences.
Enumer-
ated.

tumults, rebellion, conspiracies, mutiny, and seditions, in those parts which may be dangerous to the estates there, together with murther, manslaughter, incest, rapes, and adulteries committed in those parts, within the precincts of any the degrees above mentioned (and

Penalty,
death with-
out benefit
of Clergy;
in what
cases.

noe other offences) shall be punished by death, and that without the benefit of the clergy, except in case of man-

Colonial
Council,
Jurisdic-
tion of.

slaughter, in which Clergy is to be allowed: And that the said several Presidents and Councils, and the greater number of them, within every of the several limits and precincts, shall have full power and authority, to hear and determine all and every the offences aforesaid, within the precincts of their several Colonies, in manner and form following, that is to say, by twelve honest and indifferent persons sworne upon the Evangelists, to be returned by such ministers and officers as every of the said Presidents and Councils, or the most part of them, respectively shall assigne, and the twelve persons soe returned and sworne shall, according to their evidence to be given unto them upon oath, and according to the truth, in their consciences, either convict or

Trial by
Jury pro-
vided for.

acquit, every of the said persons soe to be accused and tried by them; and that all and every person or persons, which shall voluntarily confess any of the said offences to be committed by him shall, upon his confession thereof, be convicted of the same, as if he had been found guilty of the same by the verdict of any such twelve jurors as is aforesaid. And that every person and persons which shall be accused of any of the said offences, and which shall stand mute, or refusing to make direct answer thereunto, shall be, and be held, convicted of the said offence, as if he had been found guilty by the verdict of such twelve Jurors as aforesaid: And that every person and persons so convicted, either by verdict, his own confession, or by standing mute, or by refusing directly to answer as aforesaid, of any of the offences before mentioned, the said Presidents and Councils, or the greatest number of them, within their several precincts and limits where such conviction shall be had and made as aforesaid, shall have full power and authority, by these presents, to give judgment of death upon every such offender, without the benefit of the Clergy, except only in case of Manslaughter: And noe person soe adjudged, attainted, or condemned, shall be reprieved from the execution of the said judgment, without the consent of the said President and Council, or the most part of them, by whom such judgment shall be given: And that no person shall receive any pardon, or be absolutely discharged of any the said offences, for which he shall be condemned to death as aforesaid, but by pardon of us, our heirs, and successors, under our Great Seal of England:

And wee doe in like manner establish and ordaine, if any person or persons of either of the said Colonies shall offend in any of the offences beforementioned, within any part between the degrees aforesaid, out of the precincts of his or their Colony, that then every such offender, or offenders, shall be tried and punished as

Instruc-
tions, &c.
Nov. 20,
1606.

Judgment
on conviction
or
confession.

Judgment
on stand-
ing mute,
&c.

The Presi-
dent and
Council to
pronounce
sentence
on conviction.

Power to
reprieve,
in the
President
and Coun-
cil—To
pardon, in
the Crown.

Persons of
one Colony
offending
in the oth-
er, to be
tried in
their own
Colony.

PART I.

VIRGINIA,

Instruc-
tions, &c.,
Nov. 20,
1606.

Further
Judicial
powers of
Colonial
Presidents
and Coun-
cils.

Offenders
how pun-
ished.

Excesses,
drunken-
ness, idle-
ness, and
vagrancy.

Judicial
proceed-
ings, how
conducted.

Judgments
to be re-
corded.

Record to
be sub-
scribed by
the Presi-
dent and
Council.

aforesaid within his or their proper Colony: And that every the said Presidents and Councils, within their several limits and precincts, and the more part of them, shall have power and authority, by these presents, to hear and determine all and every other wrongs, trespassers, offences, and misdemeanors whatsoever, other than those before mentioned, upon accusation of any person and proof thereof made by sufficient witnesses upon oath; and that in all those cases the said President and Council, and the greater number of them, shall have power and authority, by these presents respectively, as is aforesaid, to punish the offender or offenders, either by reasonable corporal punishment and imprisonment, or else by a convenient fine, awarding damages or other satisfaction, to the party grieved, as to the said President and Council, or to the more part of them, shall be thought fit and convenient, having regard to the quality of the offence, or state of the cause: And that also the said President and Council, shall have power and authority, by virtue of these presents, to punish all manner of excess, through drunkenness, or otherwise; and all idle, loytering, and vagrant persons, which shall be found within their several limits and precincts, according to their best discretions, and with such convenient punishment as they or the most part of them shall think fit: Also it is our will and pleasure, concerning the judicial proceedings aforesaid, that the same shall be made and done summarily, and verbally without writing, until it come to the judgment or sentence; and yet nevertheless our will and pleasure is, that every judgment and sentence hereafter to be given in any the causes aforesaid, or in any other, of the said several Presidents and Councils, or the greater number of them, within their several limits and precincts, shall be briefly and summarily registered in a book to be kept for that purpose, together with the cause for which the said judgment or sentence was given; and that the said judgment and sentence, soe registered and written, shall

be subscribed with the hands or names of the said President and Council, or such of them as gave the judgment or sentence: Also our will and pleasure is, and we do hereby establish, and ordaine, that the said several Colonies and Plantations, and every person and persons of the same, severally and respectively, shall within every of their several precincts for the space of five years next after their first landing upon the coast of Virginia and America, trade together all in one stock, or divideably but in two or three stocks at the most, and bring not only all the fruits of their labours there, but also all other goods and commodities which shall be brought out of England, or any other place, into the same Colonies, into several magazines or store-houses, for that purpose to be made and erected there, and that in such order, manner, and form, as the Council of that Colony, or the more part of them, shall set down and direct:

Instructions, &c.,
Nov. 20,
1606.

Regulation
of trade in
the Colo-
nies, for
the first
five years.

Every-
thing to be
in common
stock.

To be de-
posited in
public
storehouses
erected
for the
purpose.

And our will and pleasure is, and we do in like manner ordaine, that in every of the said Colonies and Plantations there shall be chosen there, elected yearly, by the President and Council of every of the said Colonies and Plantations, or the more part of them, one person, of the same Colony and Plantation, to be Treasurer or Cape-Merchant of the same Colony and Plantation, to take the charge and managing of all such goods, wares, and commodities, which shall be brought into, or taken out of, the several magazines or store-houses; the same Treasurer or Cape-Merchant, to continue in his office by the space of one whole year next after his said election, unless he shall happen to die within the said year, or voluntary give over the same, or be removed for any just or reasonable cause, and that thereupon the same President and Council, or the most part of them, shall have power and authority to elect him again, or others in his room or stead, to continue in the same office as aforesaid: And that also there shall be two or more persons of good discretion within every of the said Colonies and Plantations, elected and chosen yearly

A Treas-
urer, or
Cape-Mer-
chant, to
be chosen
in each
Colony.

His powers
and duties.

Term of
office, and
vacancy by
resigna-
tion, death
or remov-
al, how
filled.

One or
more
Clerks to
be chosen
in each
Colony.

PART I.

VIRGINIA,

Instruc-
tions, &c.,
Nov. 20,
1606.
Their du-
ties.

Term of
office of
Clerks.

Colonists
to be sup-
plied with
necessaries
from pub-
lic store-
houses.

The First
Colony em-
powered to
establish a
Mercantile
Co. or
Agency in
London.

Its powers
and duties.

during the said term of five years, by the President and Council of the same Colony, or the most part of them, respectively, within their several limits and precincts, the one or more of them to keep a book in which shall be registered and entered all such goods, wares, and merchandizes, as shall be received into the several magazines and storehouses within that Colony being appointed for that purpose; and the other to keep a little book, wherein shall be registered all goods, wares, and merchandizes which shall issue or be taken out of any the several magazines or store-houses of that Colony; which said clerks shall continue in their said places but at the will of the President and Council of that Colony whereof he is, or of the major part of them: And that every person or persons of every the said several Colonies and Plantations shall be furnished with all necessaries out of those several magazines or storehouses, which shall belong to the said Colony and Plantation, in which that person is, for and during the term of five years, by the appointment, direction, and order of the President and Council there, or of the said Cape-Merchants and two Clerks, or of the most part of them, within the said several limits and precincts of the said Colonies and Plantations:

Also our will and pleasure is, and we do hereby ordaine, that the adventurers of the said First Colony and Plantation, shall and may during the said term of five years, elect and choose out of themselves one or more Companies, each Company consisting of three persons at the least, who shall be resident at or near London, or such other place or places, as the Council of the Colony for the time being, or the most part of them during the said five years shall think fit, who shall there from time to time take charge of the trade and account of all such goods, wares, and merchandizes, and other things which shall be sent from thence, to the Company of the same Colony, or Plantation, in Virginia; and likewise all such wares, goods and merchandizes, as

shall be brought from the said Colony or Plantation unto that place within our Realm of England; and of all things concerning the managing of the affairs and profits of the adventurers of that Company which shall so pass out of or come into that place or port.

AND likewise our will and pleasure is, that the adventurers in the said Second Colony and Plantation shall and may during the said term of five years elect out of themselves, one or more companies, each Company consisting of three persons at the least, who shall be resident at or near Plimouth, in our County of Devon, within our Realm of England, and at such one, two, or three other places, or ports, as the Council of that Colony, or the most part of them, shall think fit; who shall there, from time to time, take care and charge of the trade, and account of all such goods, wares, merchandizes and other things, which shall be sent from thence for the same Colony and Plantation in Virginia; and likewise all such goods, wares, and merchandizes, all shall be brought from the said Colony and Plantation in Virginia into our Realm of England, and of all things concerning the managing of the affairs and profits of the adventurers of that Company.

ALSO our will and pleasure is, that no person or persons, shall be admitted into any of the said Colonies and Plantations, there to abide and remain, but such as shall take not only the usual oath of obedience to us, our heirs, and successors, but also the oath which is limited in the last session of Parliament holden at Westminster in the fourth year of our reign, for their due obedience unto us, our heirs and successors: That the trade to and from any of the Colonies aforesaid may be managed to and from such port and places, within our Realm of England, as is before in these articles introduced, any thing set down heretofore to the contrary notwithstanding: And that the said President and Council of each of the said Colonies, and the more part of them, respectively, shall and may law-

Instruc-
tions, &c.

The Sec-
ond Colo-
ny empow-
ered to es-
tablish a
Mercantile
Co., or
Agency at
Plymouth.

Its powers
and duties.

Persons
admitted
as colo-
nists to
take cer-
tain oaths.

Govern-
mental
Powers of
Colonial
Presidents
and Coun-
cils.

PART I.

VIRGINIA,

Instruc-
tions, &c.,
Nov. 20.
1606.

Restrictions upon.

Force and operation of these ordinances.

fully, from time to time, constitute, make, and ordain such Constitutions, Ordinances, and officers, for the better order, government and peace of the People of their several Colonies, so always as the same Ordinances and Constitutions, do not touch any party in life or member; which Constitutions and ordinances shall stand and continue in full force, until the same shall be otherwise altered or made void by us, our heirs, or successors, or our, or their Council of Virginia, so always as the same alterations be such as may stand with and be in substance consonant unto the laws of England, or the equity thereof.

Treatment of the Indians.

Must aim at their conversion to Christianity.

The contrary course to be punished.

Furthermore our will, and pleasure, is, and we do hereby *determine and ordain*, that every person and persons, being our subjects of every the said Colonies and Plantations, shall from time to time well entreat those Savages in those parts, and use all good means to draw the Savages and heathen people of the said several places, and of the territories and countries adjoining, to the true service and knowledge of God; and that all just, kind and charitable courses shall be holden with such of them as shall conform themselves to any good and sociable traffic and dealing with the subjects of us, our heirs, and successors, which shall be planted there, whereby they may be sooner drawn to the true knowledge of God, and the obedience of us, our heirs, and successors; under such severe pains and punishments as shall be inflicted by the same several Presidents and Councils of the said several Colonies, or the most part of them, within their several limits and precincts, on such as shall offend therein or do the contrary:

Provision for further Instructions, &c., from the Crown.

And that as the said Territories and Countries of *Virginia* and *America*, within the degrees aforesaid, shall from time to time increase in Plantation by our subjects, WE, our heirs, and successors, will ordain and give such order and further Instructions, Lawes, Constitutions, and Ordinances for the better order, rule,

and government of such as so shall make Plantations there, as to us, our heirs, and successors, shall from time to time be thought fit and convenient, which always shall be such, as may stand with, or be in substance consonant unto the laws of England, or the equity thereof.

Instruc-
tions, &c.,
Nov. 20,
1606.

AND lastly, we do *ordain and establish*, for us, our heirs, and successors, that such oath shall be taken by each of our Councillors here for Virginia, concerning their place and office of Council, as by the Privy Council of us, our heirs, and successors of this our Realm of England, shall be in that behalf limited and appointed: And that each Councillor of the said Colonies shall take such oath for the execution of their place and office of Councillor, as by the Council of us, our heirs, and successors here in England, for Virginia shall in that behalf be limited and appointed: And as well those several Articles and instructions herein mentioned and contained, as also all such as by virtue hereof shall hereafter be made and ordained, shall as need shall require, by the advice of our Council here for Virginia be transcribed over unto the said several Councils of the said Colonies, under the seal to be ordained for our said Council here for Virginia. In witness, &c.*”

Council for
Virginia
in London,
oath of
Members.

Members
of Colonial
Councils,
oath of.

* 1, Hen-
ing's Stat-
utes, Vol-
ume 1.

Such was the First Charter upon which was based the first settlements, and such were the Royal instructions pursuant to the provisions of which was planned the first civilized Government ever known in America. The First Colony was afterwards more familiarly known as THE SOUTH VIRGINIA, OR LONDON COMPANY; and the Second Colony as THE NORTH VIRGINIA, OR PLYMOUTH COMPANY.

In alluding to this Charter and the Order of Instructions which followed it, Dr. Robertson says,—“Thus, without hesitation or reluctance, the Proprietors of both Colonies—*Virginia and Plymouth*—proceeded to execute their respective plans, and under the authority

Opinion of
Dr. Rob-
ertson
upon the
First Char-
ter.

PART I.

VIRGINIA,

The supposed defects of the Charter.

Reasons for its ready acceptance.

Nature and aim of the compact it contained.

of a Charter which would now be rejected with disdain, as a violent invasion of the sacred and inalienable rights of liberty, the first permanent settlements in America were established." Although this remark may be true in fact, it is not, historically, a fair or just comment upon the case presented to our consideration. It is easy enough for us, looking back from the position which we now occupy, upon these governmental regulations, to discover the existence of those political elements which afterwards became so obnoxious to the colonists, and ultimately so fatal to the power of the Crown in America. But while to our more enlightened view, they may seem so wholly to disregard the actual political rights of the settlers, and so disastrously to invade their liberties, we are not surprised that they met with so ready an acquiescence on the part of the respective Proprietors. It must be remembered that the territory on which these settlements were to be made, was claimed by, and it was not questioned that the title resided in the Crown: And it could hardly be supposed that the Crown would divest itself of all interest or concern in its occupancy or its government. The object aimed at, and it was so expressed in the Charter, was, to make the country available and productive as a part of its dominions. The advantages to be derived from the adventure, both to the settlers and to the proprietors, were regarded as a sufficient compensation, or equivalent, for the conditions and restraints to which they were subjected. It was simply a compact, more commercial than political in many of its details, between the Sovereign and his subjects, *for the use and occupation* of this portion of his domain; to enter into which each party had its own peculiar motives and inducements. It is, therefore, but doing justice to the spirit, the designs, and the relations, of the several parties to the compact: It is but justice to the prevailing political opinions of the age in which it originated: And more truly is it justice to the after

progress of free principles, and the subsequent developments of civil and religious liberty in both England and America, to say that the plan thus devised for a settlement of the country, however imperfect or exceptionable it may now appear, was originally framed with a view to protect and promote the rights and interests of the respective parties to the compact. The history of the Old World has recorded how slowly, up to this period, the human mind awakened from the slumber which had bound it, and came out from amid the darkness which in the middle ages had humbled it; and in the brighter progress of our own annals in the New, we shall see how gloriously it ultimately cast off the fetters which ignorance, and prejudice, and superstition, and bigotry, and oppression, had for ages thrown around it.

“From this period,” says Dr. Robertson again, “the progress of the two provinces—*Virginia and New England*—form a regular and connected story. The former in the South, and the latter in the North, may be considered as the original and parent Colonies, in imitation of which and under whose shelter, all others have been successively planted and reared.”

Dr. Robertson's statement.

This is well enough to say in rounding a period, or closing a chapter, but it is very carelessly expressed and is not sustained by strict historical verity. The history of the Second Colony I shall have occasion more particularly to refer to in the Second Part of this work; at present it is sufficient to say that the Colonies of New England were none of them the offspring of either of these Companies. It may seem captious or trifling to raise the issue, but the fact has so much to do with the marked difference which exists in the character of the people, and the peculiarities of their institutions, in the two sections, that it becomes important to be observed. The causes which some years after this date brought about the settlement of New England, were not felt or understood by, were indeed unknown

The two with reference to New England.

General
remarks.

to, the policy which dictated the planting of Virginia. There was in either a difference of motives and of aims widely divergent, and the difference between them is found to run through nearly all their early history, governmental, political, literary, and religious. At the same time it is true, that the same causes which led to the settlement of the former, had in time a liberalizing influence upon the institutions and government of the latter. Each in its origin, and as it grew, was necessarily measurably affected by the state of things in the Parent Country. With the one it was emigration and adventure, guided by the wisdom of maturer years and a ripened experience; while with the other it was development under the more feeble and fragile condition of infant life. The one was born, and had much of its material growth, before the political elements embraced in the Protestantism of the Reformation were fairly developed in England; while the other owed its very existence to their fuller, freer, and more obvious activity. The one was the favorite and for many years the petted offspring of royalty, the other was the neglected and despised child of misfortune, of parental hate and persecution, of domestic tyranny and oppression. The History of the former, Virginia, the *First-born*, and therefore invested with many of the privileges of primo-geniture in America, merits our prior attention.

The First-born of the English Colonies in America.

Importance of their early history.

I have already had occasion to observe the peculiar disadvantages under which the first settlements on our Continent were originated and effected. Without entering into a minute detail of the trials, hardships, dangers and sufferings, to which the early adventurers were exposed, we may find abundant matter for pleasing and profitable speculation in tracing the growth of their infant communities, and marking their advancement through all their varied perils, until we find them assuming a rank and consideration which, from its intimate bearing on our own Governmental History, de-

serves our most interested attention. "It will exhibit a spectacle no less striking than instructive, and presents an opportunity which rarely occurs, of contemplating a society in the first moment of its political existence, and of observing how its spirit forms in its infant state; how its principles begin to unfold as it advances; and how those characteristic qualities which distinguish its maturer age are successively acquired." * * Robert-son.

The First Expedition of the First Colony, or London Company, Dec. 1606.

The first expedition which was fitted out for Virginia, embarked under the auspices of The Company composing The First Colony, at London. It sailed under the direction of Capt. Newport, on the nineteenth day of December, A. D. 1606. It consisted of one Vessel of about one hundred tons burthen, two Barques, and one hundred and five persons. They bore with them sealed documents which contained the names of The Council appointed for the government of the Colony or Plantation in America, which were to be opened and the persons proclaimed members of the Colonial Council, within twenty-four hours after their arrival on the coast of Virginia. The point of their destination was Roanoke. After having been out at sea for about four months they lost their reckoning, and while deliberating upon the expediency of returning to England, they encountered a violent gale which drove them into the mouth of the Chesapeake Bay. On the twenty-sixth day of April, 1607, they descried its southern point which they called Cape Henry. A small party attempted to land, but being opposed by the natives, and some of them being seriously wounded, they returned again to their vessel. A few days afterwards they discovered a point of land which they called Cape Charles. They then entered the mouth of a large River which they called James' River, in honor of their Sovereign. Proceeding some distance up its channel they neared the shore, and on the twenty-second day of June landed and planted a settlement which they called James' Town. Opening their documents they at once proclaimed the names of

Destination of the adventure.

Are driven into the Chesapeake Bay.

James River discovered, 1607.

James' Town planted.

PART I.

VIRGINIA,

The First Expedition under the London Company. the members of the Colonial Council, who proceeded to elect a President, to which office Mr. Edward Wingfield was chosen. Capt. Newport sailed for England on the fifteenth day of July following, leaving at James' Town one small vessel, and one hundred and four colonists. Previous to his departure their necessities were supplied from the stores which had been laden on board of the ships. That which was left to them, having received much damage during the voyage, was rendered additionally deleterious and unpalatable by the action of the climate and the progress of decay. Thus they became more susceptible to disease, and before the frosts of winter came to check the sickness which broke out among them, about fifty of their number were consigned to the grave. The hardships to which the survivors were subjected rendered them impatient of discipline, produced a jealousy of the superior comfort in which their President was supposed to live, gave rise to dissatisfaction and dissension which resulted in his being deposed, and Mr. Radcliff was elected to fill the vacancy.

Condition of the settlement.

Difficulties among the settlers.

Election of a new President; his embarrassments.

Capt. Smith chosen President.

The new President, however, had no more means, nor yet the ability, to heal the maladies which now threatened the extinction of the Colony. Its numbers were few, they were without wholesome provisions, were scantily clothed, and were withal enfeebled by exposure to the debilitating effects of the climate. To all these sources of embarrassment were added the annoyances and apprehension arising from the hostility of the natives. If human instrumentality could effect it, it needed the outlay of superior energy, and the influence of a daring and commanding spirit, to accomplish their preservation. In this emergency Capt. John Smith was chosen to superintend its affairs. By his impetuous energy and exertions a small fort was erected, of raw materials, for their defence, the natives were discomfited, and the just expiring Colony was restored to a healthful vigor.

Without knowing that this feeble settlement, composed

of a mere handful of men, was indeed the germ of a future nation, we might wonder at the folly and the temerity of those who sought to sustain it as affording the least prospect of meliorating the condition of the country in which it was planted. Scarce had it revived under its efficient head, when it was overtaken by a calamity which human wisdom would have pronounced to be the signal for its final and complete desolation. In devoting himself assiduously to the duties of his station, and seeking to promote the interests of the company, as well as the designs of his Sovereign, Capt. Smith undertook to explore to its source a neighboring river, called the Chicka-hominy. While engaged in this enterprise he was surprised by a party of Indians. He offered a resolute resistance to their numerous force, until, finding himself about to be overpowered, he sought to escape by flight, but becoming entangled in a swamp was taken prisoner by the natives. He elicited their veneration, and preserved himself from immediate massacre by exhibiting to them a mariner's compass.* They bore him in savage merriment and exultation through several of their villages, and finally conveyed him to the tent of Powhattan the most powerful and renowned chief of their tribe. The chief sentenced him to death, and the sentence was directed to be executed by placing his head on a block and beating it to pieces with a war-club. Pocahontas, the favorite daughter of the king, now about thirteen years of age, had become deeply interested in the pale stranger, and earnestly supplicated for his life. But Powhattan, who had hitherto seemed friendly, having grown suspicious of the designs of the white man, was inexorable, and the prisoner was led out to be executed. His head was fastened to the fatal block and the instrument of death was impending over him. Just as it was about to descend Pocahontas rushed forward with a wild shriek, threw herself upon the victim, and covering his head with her own stayed the blow of the executioner. Powhattan was after-

The first Expedition of the London Company.

Captain Smith commences exploring the country.

Capture of Captain Smith by the Indians.

* Marshall.

He is condemned to die.

Is saved by Pocahontas.

PART I.

VIRGINIA,

The first Expedition of the London Company. ward persuaded to spare his life, and after exchanging pledges of amity liberated and sent him to Jamestown.

His return to Jamestown. Prest. Captain Smith had been absent from the plantation at Jamestown about six weeks, and a less resolute and daring spirit than his would at once have yielded

Condition of the Colony on the return of Capt. Smith. to despair at the condition in which he found it on his return. It was reduced to the number of thirty-eight persons who were just about to quit the country when he arrived. He endeavored to persuade them to desist from their intention, but not being successful he resorted to compulsion. Turning the guns of the fort upon the vessel in which they were embarking, he presented to them the stern alternative to remain or die,

* Marshall. and thus prevented their departure.*

Effect of his adventure on the prospects of the Colony. The adventure of President Smith with the Indians was fruitful of good results. The terms of amity agreed upon between himself and Powhattan conciliated the natives so that thenceforth he obtained from them all needful supplies of provisions, by which means alone this remnant of a plantation was preserved from perishing. At this crisis in their history a vessel arrived from England laden with supplies, and bringing about one hundred and twenty adventurers, "gentlemen, mechanics, and artificers." This timely accession to their numbers brightened their prospects and would have materially re-invigorated the Colony

Further arrivals from England, 1607. had it not been that some shining dust was discovered in the bed of a neighboring stream which was taken for gold.

Supposed discovery of gold-dust, 1607-8.

Its effects upon the settlers. The settlers became so infatuated with the idea of suddenly enriching themselves with an abundance of the precious metal that they could not be made to think of or do anything else but to hunt after it. "It is almost impossible" says Marshall, "to conceive how much the prosperity of the plantation was retarded by this singular delusion." It might, however, have been more disastrous had it been a reality instead of a delusion. As

it was, it had rather the effect ultimately to relieve the settlement from the very embarrassments which it at first originated. The first exportation ever made from this country was made at this time, in two barques, one freighted with cedar and the other with this dust.* The arrival of such a cargo at their wharves in London, was of course made much of by the Company. Being heralded among the people, it had the effect to crowd their office with applicants desirous to be transplanted at once to America. Thus while the small Colony in Virginia was suffering from the baneful influences of the delusion here, the importance of the enterprise of settling the country was being magnified in the estimation of the Company and the people at home. Men of rank and consideration, capitalists and speculators, merchants and artizans, were eager to become members of the corporation, to be admitted into its councils, and to participate in its settlements and adventures. The crown even was moved with an enthusiastic ambition to secure its settlement in order to add to the revenues of the kingdom. The result was, the issuing of a Second Charter. Meanwhile President Captain Smith was persevering in an able and judicious administration of affairs in the infant Colony. So skillfully and adroitly did he over-rule the fever and excitement created by the supposed discovery of gold, that he made it the basis for a more efficient and permanent settlement of the country. He turned the thirst after it, among those who now came to the Colony, to his own purposes in making explorations of nearly all of the territory now comprehended within the limits of Maryland and Virginia. He thus surveyed and drew charts of its rivers, bays, inlets and harbors, which, with the accounts he gave of its resources, were so full and accurate, that "after the progress of information and research for a century and a half they exhibit no inaccurate idea of both countries, and are the original on which all subsequent delineations and descriptions have

The first Expedition of the London Company.

The First Exportation to England.

* Marshall.

Its effects upon the People and Company.

Excitement in England and its effects.

State of the Colony in America.

Further Explorations of Capt. Smith.

Their value and extent.

The first Expedition of the London Company. * Robert-son.

been formed.”* The colony remained under his auspicious administration until the year 1609, when having been severely wounded by an explosion of gunpowder, he was obliged to visit England for medical treatment. He left it with a population of about five

Captain Smith returns to England, 1609.

hundred persons, sixty comfortable and convenient dwellings, various implements of husbandry, and other needful appliances for its preservation and prosperity.

Condition and population of the Colony at his departure. How affected by his leaving it.

But the life and vigor which he had inspired seemed to have departed with President Capt. Smith. He had scarcely gone ere the plantation relapsed into a singular state of faction and misrule. Every principle of self-preservation seemed to be lost, and it was fast verging to destruction. The settlers became divided and contentious among themselves, and also stirred up

strifes with the Indians, and thus became a more easy prey to their treachery and resentment. Within less than one year after the departure of Capt. Smith their dwellings were conflagrated, their families butchered, and their numbers reduced to about sixty souls, who must inevitably have perished from exposure or starvation but for the timely arrival of Sir Thomas Gates and others.

Arrival of Sir Thomas Gates.

Sir Thomas Gates had been dispatched from London with supplies and adventurers for the Colony, but his most valuable vessels, and a part of his crew, were lost by shipwreck near the Bermuda Islands while himself

Voyage of Sir Thomas Gates, and shipwreck of his vessels.

and a few companions reached one of them in safety. After remaining in this lonely and desolate region for about nine months, they contrived to repair their remaining vessels and re-embarked for Virginia. Instead of finding, as they had anticipated, a thriving and prosperous settlement at Jamestown which could relieve their necessities, the scene of desolation and despair which I have already described welcomed their arrival.

The settlers resolve to abandon the Country, 1610.

Seeing nothing before them but famine and massacre, they resolved with the remnant of adventurers in the Colony to return to England. They made the neces-

sary preparations and embarked on the tenth day of June, 1610. Before they had fairly got under way, just as they were proceeding out of the bay, on the eighteenth of June, they were met by Lord De-La-War, who was accompanied with a large number of adventurers. He persuaded them to return, recruited their numbers, supplied their necessities, and resettled them at Jamestown. Lord De-La-War and his company of adventurers, came to Virginia under a commission issued to him by virtue of a second and distinct Charter from the Crown to the proprietors of the First Colony issued for the purpose of erecting them into a distinct corporation and body politic, and "for the further enlargement and explanation of the privileges of the said First Company and Colony of Virginia."

How prevented.

A Second Charter applied for by the First Colony or London Company.

Upon the reception of Capt. Smith's surveys and chart in England, it was found that the grants contained in the previous charter, to the First and Second Colonies, respectively run into and interfered with each other, while at the same time his explorations disclosed a region of country much more extensive than had been hitherto supposed to exist in the New World. This second charter was issued in pursuance of a Petition presented to the Crown by the Proprietors of the First Colony, for the enlargement of the corporation, and also for a more liberal and specific grant of territory, powers, and privileges.

Issuing of the Second Charter by James I.

It cites, in its first and second sections, the former grant, and the present application, and names in the third section, as members of the new corporation, over one thousand persons; noblemen, lords, knights, divines, merchants, manufacturers, mechanics and artisans. Besides these it mentions trading companies of all descriptions, such as "merchants, grocers, mercers, drapers, fishmongers, goldsmiths, spinners, merchant-tailors, haberdashers, salters, iron-mongers, vintners, cloth-workers, dyers, brewers, leather-sellers, pewter-

Names of corporations.

PART I.

VIRGINIA,

The Second Charter of James I., to the London Company, May 23, 1609.

ers, cutlers, white-bakers, brown-bakers, wax-chandlers, tallow-chandlers, armorers, girdlers, butchers, saddlers, carpenters, cordwainers, barber-chirurgeons, painters, carriers, masons, plumbers, inn-holders, founders, poulterers, cooks, coopers, brick-layers, bowyers, blacksmiths, joiners, weavers, woolmen, wood-mongers, scriveners, fruiterers, plasterers, stationers, embroiderers, upholsterers, musicians, turners, gardeners, basket-makers, glaziers, and yeomen,—” together with such and so many as they do, or shall hereafter, admit to be joined with them in form hereafter in these presents expressed, whether they go in their persons, to be planters there in the said Plantation, or whether they go not, but adventure their monies, goods, or chattels; that they shall be one body or commonalty perpetual, and shall have perpetual succession, and one common seal, to serve for the said body or commonalty; and that they, and their successors; shall be known, called, and incorporated by the name of

New designation of the Corporation.

THE TREASURER AND COMPANY OF ADVENTURERS AND PLANTERS OF THE CITY OF LONDON, FOR THE FIRST COLONY OF VIRGINIA. The Charter then proceeds,

Power to purchase and hold property.

IV. And that they and their successors, shall be from henceforth forever enabled to take, acquire and purchase, by the name aforesaid, (licence for the same, from us, our heirs, or successors first had and obtained,) any manner of lands, tenements, and hereditaments, goods, and chattels, within our Realm of England, and dominion of Wales.

To plead and be impleaded.

V. And that they and their successors, shall likewise be enabled, by the name aforesaid, to plead and be impleaded, before any of our Judges or Justices, in any of our Courts, and in any actions or suits whatsoever.

Confirmation of former grants.

VI. And we do also of our special grace, certain knowledge, and mere motion, give, grant, and confirm unto the said Treasurer and Company, and their successors, under the reservations, limitations, and declara-

tions, hereafter expressed, all those lands, countries, and territories, situate, lying and being in that part of America called Virginia, from the point of land called Cape or Point Comfort,* all along the sea coast, to the northward two hundred miles; and from the said point of Cape Comfort, all along the sea coast to the southward two hundred miles; and all that space and circuit lying from the sea coast to the precincts aforesaid, up into the land throughout from sea to sea west and north-west; and also all the Islands, lying within one hundred miles, along the coast of both seas of the precinct aforesaid, together with all the soils, grounds, havens and ports, mines, as well royal mines of gold and silver, as other minerals, pearls and precious stones, quarries, woods, rivers, waters, fishings, commodities, jurisdictions, royalties, privileges, franchises, and preheminences, within the said territories, and the precincts thereof, whatsoever, and thereto and thereabouts, both by sea and land, being or in any sort belonging or appertaining, and which we, by our Letters Patents, may or can grant, in as ample manner and sort, as we or any of our noble progenitors, have heretofore granted to any company, body politic, or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any discoveries, Plantations, or traffic, of, in or into any foreign parts whatsoever, and in as large and ample manner, as if the same were herein particularly mentioned and expressed, *To Have and To Hold*, possess and enjoy, all and singular the said lands, countries and territories, with all and singular other the premises heretofore by these presents granted, or mentioned to be granted, to them, the said Treasurer and Company, their successors and assigns forever; to the sole and proper use of them, the said Treasurer and Company, their successors and assigns forever; to be holden of us, our heirs, and successors, as of our Manour of East Greenwich, in free and common soccage, and not *in capite*; yielding and paying therefor to us, our heirs,

Second
Charter
of James
I., to the
London
Co., May
23, 1609.
*From
Captain
Smith's
Chart.

Limits and
extent of
territory.

Former
grants in-
cluded
herein.

Haben-
dum.

Conditions
of Tenure.

Reserva-
tion to the
Crown.

PART I.

VIRGINIA,

Second
Charter
of James
I., to the
London
Co., May
23, 1609.

and successors, the fifth part only of all ore of gold and silver, that from time to time, and at all times hereafter, shall be then gotten, had, or obtained, for all manner of services.

Adventur-
ers under
former
grants.

VII. And nevertheless our will and pleasure is, and we do, by these presents, charge, command, warrant and authorize, that the said Treasurer and Company, or their successors, or the major part of them, which shall, from time to time, under their common seal, distribute, convey, assign, and set over, such particular portions of lands, tenements, and hereditaments, by these presents formerly granted, unto such our loving subjects, naturally born, or denizens, or others, as well adventurers as planters, as by the said Company (upon a commission of survey and distribution executed and returned for that purpose) shall be nominated, appointed, and allowed; wherein our will and pleasure is, that respect be had, as well of the proportion of the adventurer, as to the special service, hazard, exploit, or merit of any person so to be recompensed, advanced, or rewarded.

One Coun-
cil to be in
England.

VIII. And forasmuch as the good, and prosperous success of the said Plantation cannot but chiefly depend, next under the blessing of God, and the support of our royal authority, upon the provident and good direction of the whole enterprize, by a careful and understanding council, and that it is not convenient, that all the adventurers shall be so often drawn to meet and assemble as shall be requisite for them to have meetings and conference about the affairs thereof, therefore we do ordain, establish, and confirm, that there shall be perpetually one council here resident, according to the tenour of our former letters pattents; which council shall have a seal, for the better government and administration of the said Plantation, besides the legal seal of the Company or corporation, as in our former letters pattents is also expressed.

Council in
England to
have a
seal.

IX. And further, we establish and ordain, that

Henry, Earl of Southampton; William, Earl of Pembroke; Henry, Earl of Lincoln; Thomas, Earl of Essex; Robert, Lord Viscount Lisle; Lord Theophilus Howard; James, Lord Bishop of Bath and Wells; Edward, Lord Zouche; Thomas, Lord La War; William, Lord Monteagle; Edmond, Lord Sheffield; Grey, Lord Chandois; John, Lord Stanhope; George, Lord Carew; Sir Humphrey Weld, Lord Mayor of London; Sir Edward Cecil; Sir William Wade; Sir Henry Neville; Sir Thomas Smith; Sir Oliver Cromwell; Sir Peter Manwood; Sir Thomas Chaloner; Sir Henry Hobart; Sir Francis Bacon; Sir George Coppin; Sir John Scot; Sir Henry Carey; Sir Robert Drury; Sir Horatio Vere; Sir Edward Conway; Sir Maurice Berkeley; Sir Thomas Gates; Sir Michael Sandys; Sir Robert Mansel; Sir John Trevor; Sir Amias Preston; Sir William Godolphin; Sir Walter Cope; Sir Robert Kiligrew; Sir Henry Fanshaw; Sir Edwin Sandys; Sir John Watts; Sir Henry Montague; Sir William Romney; Sir Thomas Roe; Sir Baptist Hicks; Sir Richard Williamson; Sir Stephen Poole; Sir Dudley Digges; Christopher Brooke, Esq; John Eldred; and John Wolstenholme; shall be our council for the said Company of adventurers and planters in Virginia.

X. And the said Sir Thomas Smith we do ordain to be treasurer of the said Company; which treasurer shall have authority to give order, for the warning of the council and summoning the Company, to their courts and meetings.

XI. And the said Council and Treasurer, or any of them, shall be from henceforth, nominated, chosen, continued, displaced, changed, altered, and supplied, as death, or other several occasions, shall require, out of the company of the said adventurers, by the voice of the greater part of the said company and adventurers, in their assembly for that purpose: *Provided always*, that every councillor, so newly elected, shall be presented to the Lord Chancellor of England or to the Lord High

Second
Charter of
James I.,
to the Lon-
don Co.,
May 23,
1609.

Members
of the
King's
Council in
England.

The Treas-
urer of the
Company.

To warn
meetings.

The Coun-
cil and
Treasurer
of the
Company,
how to be
chosen,
and vacan-
cies in,
supplied.
Proviso as
to oath of.

PART I.

VIRGINIA.

Second
Charter of
James I.,
to the Lon-
don Co.,
May 23,
1609.

Treasurer of England, or to the Lord Chamberlain of the household of us, our heirs, and successors, for the time being to take his oath of a councillor to us, our heirs, and successors, for the said company of adventurers and Colony in Virginia.

Deputy
Treasurer
may be ap-
pointed,
how and
when.

XII. And we do by these presents, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, grant unto the said treasurer and Company, and their successors, that if it happen, at any time or times, the treasurer for the time being to be sick, or to have any such cause of absence from the City of London, as shall be allowed by the said Council, or the greater part of them, assembled, so as he cannot attend the affairs of that Company, in every such case, it shall and may be lawful for such treasurer for the time being, to assign, constitute and appoint, one of the Council or Company, to be likewise allowed by the Council, or the greater part of them assembled, to be the Deputy Treasurer of the said Company; which deputy shall have power to do and execute all things which belong to the said treasurer, during such time as such treasurer shall be either sick, or otherwise absent upon the cause allowed of by the said Council, or the major part of them, as aforesaid, so fully and wholly, and in as large and ample manner and form, to all intents and purposes, as the said treasurer, if he were present, himself might or could do and execute the same.

Powers of
The Dep-
uty Treas-
urer.

The King's
Council in
England to
appoint
and re-
move all
officers in
the Colo-
ny.

XIII. And further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, we do, by these presents, give and grant full power and authority to our said Council, here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain, and confirm, by such name or names, stile or stiles, as to them shall seem good, and likewise to revoke, change, and alter, as well all and singular governors, officers, and ministers, which already have been made; as also

which hereafter shall be by them thought fit and need-
ful to be made or used, for the government of the said
Colony and plantation.

XIV. And also to make, ordain, and establish all
manner of orders, laws, directions, instructions, forms,
and ceremonies of government and magistracy, fit and
necessary, for and concerning the government of the
said Colony and Plantation; and the same at all times
hereafter, to abrogate, revoke, or change, not only
within the precincts of the said Colony, but also upon
the seas in going and coming to and from the said Col-
ony, as they, in their good discretion, shall think to be
fittest for the good of the adventurers and inhabitants
there.

Second
Charter of
James I.,
to the Lon-
don Co.,
May 23,
1609.

To estab-
lish forms
of Govern-
ment for
the Colo-
ny.

XV. And we do also declare, that, for divers reasons
and considerations us thereunto especially moving, our
will and pleasure is, and we do hereby ordain, that
immediately from and after such time as any such gov-
ernor or principal officer, so to be nominated and ap-
pointed, by our said Council, for the government of
the said Colony, as aforesaid, shall arrive in Virginia,
and give notice unto the Colony there resident of our
pleasure in this behalf, the government, power and
authority of the President and Council, heretofore by
our letters pattents there established, and all laws and
constitutions, by them formerly made, shall utterly
cease and be determined; and all officers, governors,
and ministers formerly constituted and appointed shall
be discharged; any thing in our former letters pattents
concerning the said Plantation contained in any wise
to the contrary notwithstanding; straightly charging and
commanding the President and Council, now resident
in the said Colony, upon their allegiance, after knowl-
edge given unto them of our will and pleasure, by
these presents signified and declared, that they forth-
with be obedient to such governor or governors, as by
our said Council here resident, shall be named and
appointed, as aforesaid, and to all directions, orders

The pow-
ers of the
President
and Coun-
cil in the
Colony un-
der the
First Char-
ter to
cease,
when.

PART I.

VIRGINIA.

Second
Charter of
James I.,
to the Lon-
don Co.,
May 23,
1609.

and commandments, which they shall receive from them, as well in the present resigning and giving up of their authority, offices, charge and places, as in all other attendance, as shall be by them, from time to time, required.

Members,
how admit-
ted to the
freedom of
the Com-
pany, and
how dis-
franchised.

XVI. And we do further, by these presents, ordain, and establish, that the said Treasurer and Council here resident, and their successors, or any four of them, being assembled (the treasurer being one) shall from time to time, have full power and authority, to admit and receive any other person into their company, corporation, and freedom; and further, in a general assembly of the adventurers, with the consent of the greater part, upon good cause, to disfranchise and put out any person or persons, out of the said freedom and company.

Privilege
of mining,
&c.

XVII. And we do also grant and confirm, for us, our heirs and successors, that it shall be lawful for the said Treasurer and Company, and their successors, by direction of the governors there, to dig and to search for all manner of mines of gold, silver, copper, iron, lead, tin, and all sorts of minerals, as well within the precinct aforesaid, as within any part of the main land, not formerly granted to any other, and to have and enjoy the gold, silver, copper, iron, lead and tin, and all other minerals, to be gotten thereby, to the use and behoof of the said company of planters and adventurers yielding thereof and paying yearly, unto us, our heirs and successors, as aforesaid.

Power to
transport
adventur-
ers.

XVIII. And we do further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, grant, by these presents, to and with the said Treasurer and Company, and their successors, that it shall be lawful and free for them, and their assigns, at all and every time and times hereafter, out of our realm of England, and out of all other our dominions, to take and lead into the said voyages, and for and towards the said plantation, and to travel thitherwards, and to abide

and inhabit there in the said colony and plantation, all such and so many of our loving subjects, or any other strangers, that will become our loving subjects and live under our obedience, as shall willingly accompany them in the said voyage and plantation; with sufficient shipping, armour, weapons, ordnance, munition, powder, shot, victuals, and such merchandizes or wares, as are esteemed by the wild people in those parts, clothing, implements, furniture, cattle, horses, and mares, and all other things, necessary for the said plantation, and for their use and defence, and trade with the people there; and in passing and returning to and fro; without yielding or paying subsidy, custom, imposition, or any other tax or duty, to us, our heirs, or successors, for the space of seven years from the date of these presents. *Provided*, that none of the said persons be such, as shall be hereafter, by especial name, restrained by us, our heirs, and successors.

Second
Charter of
James I.
to the London Co.,
May 23,
1609.
May trans-
port ar-
mour, vict-
uals, mer-
chandize,
&c., to sell
to the na-
tives.
Importa-
tions of
adventur-
ers free of
duty for
seven
years.
Proviso as
to certain
persons.

XIX. And for their further encouragement, of our special grace and favor, we do, by these presents, for us, our heirs, and successors, yield and grant, to and with the said Treasurer and Company, and their successors, and every of them, their factors and assigns, that they and every of them, shall be free of all subsidies and customs in Virginia for the space of one-and-twenty years, and from all taxes and impositions, for ever, upon any goods or merchandize, at any time or times hereafter, either upon importation thither, or exportation from them into our realm of England, or into any other of our realms or dominions, by the said Treasurer and Company, and their successors, their deputies, factors or assigns, or any of them: Except only the five pounds per cent. due for customs, upon all such goods and merchandizes as shall be brought or imported into our realm of England, or any other of these our dominions, according to the ancient trade of merchants; which five pounds per cent. only being paid, it shall be thenceforth lawful and free for the said adventurers the same

Imports
and ex-
ports of
the Com-
pany free
of duty 21
years, and
of taxes,
&c., for-
ever.
Except 5
per ct. on
goods im-
ported into
England.
Then to be
exported
free to For-
eign ports.

PART I.

VIRGINIA,

Second Charter of James I. to the London Co., May 23, 1609. Proviso.

goods and merchandizes to export, and carry out of our said dominions, into foreign ports, without any custom, tax, or other duty, to be paid to us, our heirs, or successors, or to any other our officers or deputies. *Provided*, that the said goods and merchandize be shipped out, within thirteen months after the first landing within any part of those dominions.

Power to expel intruders from the Colony.

XX. And we do also grant and confirm to the said Treasurer and Company and their successors, as also to all and every such governor, or other officers and ministers, as by our said Council shall be appointed to have power, authority of government, and command, in or over the said colony or plantation; that they, and every of them, shall and lawfully may, from time to time, and at all times forever hereafter, for their several defence and safety, encounter expulse, repel, and resist, by force and arms, as well by sea as by land, and all ways and means whatsoever, all and every such person and persons whatsoever, as (without the special licence of the said Treasurer and Company, and their successors) shall attempt to inhabit within the said several precincts and limits of the said colony and plantation; and also, all and every such person and persons whatsoever, as shall enterprize or attempt, at any time hereafter, destruction, invasion, hurt, detriment, or annoyance, to the said colony and plantation, as is likewise specified in the said former grant.

Power to seize traders not belonging to the Colony.

XXI. And that it shall be lawful for the said Treasurer and Company, and their successors, and every of them, from time to time, and at all times forever hereafter, and they shall have full power and authority, to take and surprize, by all ways and means whatsoever, all and every person and persons whatsoever, with their ships, goods, and other furniture, trafficking in any harbour, creek or place, within the limits or precincts of the said colony and plantation, not being allowed by the said Company to be adventurers or planters of the said colony, until such time as they, being of any

How to be treated if British subjects.

realms and dominions under our obedience, shall pay or agree to pay, to the hands of the treasurer, or of some other officer, deputed by the said governor of Virginia (over and above such subsidy and custom, as the said Company is, or hereafter shall be, to pay) five pounds per cent. upon all goods and merchandizes so brought in thither, and also five per cent. upon all goods by them shipped out from thence; and being strangers, and not under our obedience, until they have paid (over and above such subsidy and custom, as the said Treasurer and Company, or their successors is, or hereafter shall be, to pay) ten pounds per cent. upon all such goods likewise carried in and out, anything in the said former Letters Pattents to the contrary notwithstanding: And the same sums of money and benefit, as aforesaid, for and during the space of one-and-twenty years, shall be wholly employed to the benefit, use and behoof of the said colony and plantation; and after the said one-and-twenty years ended, the same shall be taken to the use of us, our heirs, and successors, by such officers and ministers as by us, our heirs, or successors, shall be thereunto assigned and appointed, as is specified in the said former Letters Pattents.

Second
Charter of
James I.
to the Lon-
don Co.,
May 23,
1609.

How to be
treated if
not British
subjects.

Such duties
to be ap-
plied to the
use of the
Colony for
21 years.

After that
to the use
of the
Crown.

XXII. Also, we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall go and inhabit within the said colony and plantation, and every of their children and posterity, which shall happen to be born within any the limits thereof, shall have and enjoy all liberties, franchises, and immunities of free denizens and natural subjects, within any of our dominions, to all intents and purposes, as if they had been abiding and born, within this our realm of England, or in any other of our dominions.

Colonists
and their
posterity
to be con-
sidered
British
subjects.

XXIII. And forasmuch, as it shall be necessary for all such our loving subjects as shall inhabit within the said precincts of Virginia aforesaid, to determine to live together in the fear and true worship of Almighty

Christiani-
ty recog-
nized as an
element in
govern-
ment-

PART I.

VIRGINIA,

Second
Charter
of James
I. to the
London
Co., May
23, 1609.

Judicial
and execu-
tive pow-
ers vested
in the Co-
lonial Gov-
ernors and
Council.

Proviso.

Colonial
Governor
empower-
ed to en-
force mar-
tial law,
in cases of
rebellion
or mutiny.

God, christian peace, and civil quietness, each with other, whereby every one may, with more safety, pleasure, and profit, enjoy that whereunto they shall attain with great pain and peril; We for us, our heirs, and successors, are likewise pleased and contented, and by these presents, do give, and grant unto the said Treasurer and Company, and their successors; and to such governors, officers, and ministers, as shall be, by our said Council, constituted and appointed, according to the nature and limits of their offices and places respectively, that they shall and may, from time to time forever hereafter, within the said precincts of Virginia; or in the way by seas thither and from thence, have full and absolute power and authority, to correct, punish, pardon, govern and rule, all such, the subjects of us, our heirs and successors, as shall from time to time adventure themselves in any voyage thither, or that shall, at any time hereafter inhabit in the precincts and territories of the said colony as aforesaid, according to such orders, ordinances, constitutions, directions, and instructions, as by our said Council, as aforesaid, shall be established; and in defect thereof, in case of necessity, according to the good discretions of the said governor and officers, respectively, as well in cases capital and criminal as civil, both marine and other; *so always* as the said statutes, ordinances and proceedings, as near as conveniently may be, be agreeable to the laws, statutes, government, and policy of this our Realm of England.

XXIV. And we do further, of our special grace, certain knowledge, and mere motion grant, declare and ordain, that such principal governor, as, from time to time, shall duly and lawfully be authorized and appointed, in manner and form in these presents heretofore expressed, shall have full power and authority, to use and exercise martial law, in cases of rebellion or mutiny, in as large and ample manner, as our Lieutenants in our counties, within this our realm of England,

have or ought to have, by force of their Commission of Lieutenantcy.

XXV. And furthermore, if any person or persons, adventurers or planters of the said colony, or any other, at any time or times hereafter, shall transport any monies, goods, or merchandizes out of any of our kingdoms, with a pretense or purpose to land, sell, or otherwise dispose of the same, within the limits or bounds of the said colony, and yet nevertheless, being at sea, or after he hath landed within any part of the said colony, shall carry the same into any other foreign country, with a purpose there to sell and dispose thereof; that then all the goods and chattels of the said person, or persons, so offending and transported, together with the ship or vessel, wherein such transportation was made, shall be forfeited to us, our heirs and successors.

Second
Charter of
James I. to
the London Co.,
May 23,
1609.
Penalty for
fraudulent-
ly carrying
goods to
other than
the original
port of
destina-
tion.

XXVI. And further our will and pleasure is, that in all questions and doubts that shall arise, upon any difficulty of construction or interpretation of anything, contained either in this, or in our said former letters pattsents, the same shall be taken and interpreted, in most ample and beneficial manner for the said Treasurer and Company, and their successors, and every member thereof.

Construc-
tion of
Charters
to be most
favorable
to Patent-
ees.

XXVII. And further we do by these presents, ratify and confirm unto the said Treasurer and Company, and their successors, all the privileges, franchises, liberties, and immunities, granted in our said former letters pattsents, and not in these our letters pattsents revoked, altered, changed, or abridged.

Former
privileges
confirmed.

XXVIII. And finally, our will and pleasure is, and we do further, hereby, for us, our heirs, and successors, grant and agree, to and with the said Treasurer and Company, and their successors, that all and singular person and persons, which shall, at any time or times, hereafter adventure any sum or sums of money, in and towards the said Plantation of the said colony in Vir-

Adventur-
ers hereaf-
ter admit-
ted to the
Company,
entitled to
as full
privileges
as if here-
in named.

Second
Charter of
James I. to
the Lon-
don Co.,
May 23,
1609.

ginia, and shall be admitted by the said Council and Company, as adventurers of the said Colony, in form aforesaid, and shall be enrolled in the book or records of the adventurers of the said Company, shall and may be accounted, accepted, taken, held, and reputed, adventurers of the said colony, and shall and may enjoy all and singular grants, privileges, liberties, benefits, profits, commodities, and immunities, advantages, and emoluments, whatsoever, as fully, largely, amply, and absolutely, as if they, and every of them, had been precisely, plainly, singularly, and distinctly, named and inserted in these our letters pattents.

Protest-
antism
recognized
as opposed
to Roman-
ism, and
the latter
guarded
against.

XXIX. And lastly, because the principal effect which we can desire or expect of this action, is, the conversion and reduction of the people in those parts unto the true worship of God and the Christian religion, in which respect we should loath that any person should be permitted to pass that we suspected to affect the superstitions of the Church of Rome; We do hereby declare, that it is our will and pleasure, that none be permitted to pass in any voyage, from time to time to be made into the said country but such as shall first have taken the Oath of Supremacy; for which purpose, we do, by these presents, give full power and authority, to the Treasurer for the time being, and any three of the Council, to tender and exhibit the said oath, to all such persons, as shall, at any time, be sent and employed in the said voyage:

Oath of
Supremacy
to be ad-
ministered
to all ad-
venturers
before em-
barkation,
and by
whom.

Indefinite
description
of prem-
ises not to
be prejudi-
cial to the
adventur-
ers.

Although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or any of our progenitors or predecessors, to the aforesaid Treasurer and Company heretofore made, in these presents is not made; or any act, statute, ordinance, provision, proclamation, or restraint, to the contrary thereof had, made, ordained, or provided, or any other thing, cause or matter, whatsoever, in any wise notwithstanding, *In witness whereof*, We have caused these our letters to be made pattent.

Witness ourself at Westminster, the twenty-third day of May, 1609, in the seventh year of our reign of England, France and Ireland; and of Scotland the xxx.

Per Ipsum Regem—LUKIN.

It required, as we have seen, no special exercise of the powers conferred in the fifteenth section of this Charter to invest Lord De-La-War, on his arrival in Virginia, with the ample enjoyment of his title of Governor and Captain General of the colony, or the unembarrassed exercise of his powers. After resettling the adventurers at Jamestown, he entered upon the discharge of his duties with energy, firmness, prudence, and decision. He restored the plantation to a state of union, harmony, and good government, while at the same time he inspired the natives with veneration, and awe of his authority. But declining health prevented him from long discharging the duties of his important and responsible position. He consequently resigned the government into the hands of Mr. George Percy, one of his associates; and sailed for the West Indies, leaving about two hundred inhabitants in the colony, in the enjoyment of health, tranquillity, and plenty.* * Marshall.

There is nothing particularly interesting, or important to our purpose, connected with the local history of the colony in America at this period. The form of government under which it existed was hardly tangible, and not illustrative of the operation of any of the provisions of the new charter. The settlers lapsed into a lewd and disorderly state, leading rather a vagrant life,† restless, and impatient of restraint. The settlement itself must be regarded as a nucleus for further experiments and observations by the Company, rather than the actual commencement of a well ordered and permanently established frame-work of social or political organization.

The shipwreck of Sir Thomas Gates near the Bermu-

Lord De-La-War's Administration.

His resignation.

Condition of the plantations in America, 1611.

† See Third Charter, Sec. xiv., Post.

General results of these expeditions of the Co. das; the passing to and fro of transport and trading vessels, not as yet numerous or heavily freighted with adventurers, or merchandize; disclosed, from time to time, the existence of various Islands in the intervening and adjacent sea, which attracted the direct attention of the Company, more than their small plantation in Virginia. Their chief ambition seeming to have been, to grasp all, and then more minutely to concern themselves about its particular occupancy and government.

Third Charter to the London Co.

* See Secs. viii, ix, and xiv.

See Ante.

Preamble to the Third Charter.

We must therefore leave Virginia for a brief season and note the more appropriate operations and embarrassments of the Corporation in England. These will sufficiently appear from the provisions* of a third charter to The London Company at this time issued to them by the Crown. This charter commences by reciting in its first and second sections, by way of preamble, the application for the second charter, the name under which the Company was thereby incorporated, and the enlarged boundaries as described in its sixth section, and proceeds :

III. Now, forasmuch as we are given to understand, that in those seas, adjoining to the said coast of Virginia, and without the compass of those two hundred miles, by us so granted unto the said Treasurer and Company, as aforesaid, and yet not far distant from the said colony in Virginia, there are, or may be, divers lands, lying desolate and uninhabited, some of which are already made known and discovered, by the industry, travel, and expences of the said Company, and others also are supposed to be and remain, as yet, unknown and undiscovered, all and every of which it may import the said colony, both in safety and policy of trade, to populate and plant, in regard whereof, as well for the preventing of peril, as for the better commodity and prosperity of the said colony, they have been humble suitors unto us, that we would be pleased to grant unto them an enlargement of our said former letters pattents, as well as for a more ample extent of their

limits and territories into the seas, adjoining to and upon the coast of Virginia, as also for some other matters and articles, concerning the better government of the said Company and Colony, in which point our said former letters pattents do not extend so far, as time and experience hath found to be needful and convenient.

Third
Charter of
James I.
to the Lon-
don Co.,
March 12,
1611-12.
Deficiency
of former
patents.

IV. We therefore, tendering the good and happy success of the said plantation, both in regard of the general weal of human society, as in respect of the good of our own estate and kingdoms, and being willing to give furtherance to all good means that may advance the benefit of the said Company, and that may secure the safety of our loving subjects, planted in our said colony under the favor and protection of God Almighty, and of our royal power and authority, have therefore of our especial grace, certain knowledge, and mere motion, given, granted, and confirmed, and for us, our heirs and successors, we do, by these presents, give, grant, and confirm, to the said Treasurer and Company of adventurers and planters of the City of London for the First Colony of Virginia, and to their heirs and successors, forever, all and singular those Islands whatsoever, situate and being in any part of the ocean seas bordering upon the coast of our said First Colony in Virginia, and being within three hundred leagues of any the parts heretofore granted to the said Treasurer and Company, in our said former letters pattents, as aforesaid, and being within or between the one-and-fortieth and thirtieth degrees of Northerly latitude, together with all and singular soils, lands, grounds, havens, ports, rivers, waters, fishings, mines and minerals, pearls, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises and preeminences, both within the said tract of land upon the main, and also within the said Islands and seas adjoining, whatsoever, and thereunto or thereabouts both by sea and land being, or situate; and which, by our letters pattents, we may or can grant,

Motive to
the grant.

Precincts
enlarged.

Amplifica-
tion of
powers,
privileges.

PART I.

VIRGINIA,

Third Charter of James I. to the London Co., March 12, 1611-12. and in as ample manner and sort, as we, or any our noble progenitors, have heretofore granted to any person or persons, or to any company, body politic, or corporate, or to any adventurer or adventurers, undertaker or undertakers, of any discoveries, plantations, or traffic, of, in, or into, any foreign parts whatsoever, and in as large and ample manner, as if the same were herein particularly named, mentioned, and expressed.

Proviso. *Provided always*, that the said Islands, or any the premises herein mentioned, or by these presents, intended, or meant to be granted, be not actually possessed or inhabited by any other christian prince or estate, nor be within the bounds, limits, or territories of the Northern Colony, heretofore by us granted to be planted by divers of our loving subjects in the North parts of Virginia: *To have and to hold*, possess and enjoy, all and singular the said Islands, in the said ocean seas so lying, and bordering upon the coast and coasts of the territories of the said First Colony in Virginia, as aforesaid, with all and singular the said soils, lands, and grounds, and all and singular other the premises, heretofore by these presents granted, or mentioned to be granted, to them, the said Treasurer and Company of adventurers and planters of the City of London for the first colony in and to their heirs, successors, and assigns, forever, to the sole and proper use and behoof of them, the said Treasurer and Company, and their heirs, and successors and assigns forever; to be holden of us, our heirs, and successors, as of our manor of East Greenwich, in free and common soccage, and not *in capite*; yielding and paying therefore to us, our heirs, and successors, the fifth part of the ore of all gold and silver, which shall be there gotten, had, or obtained, for all manner of services whatsoever.

Additional adventurers admitted, and why. V. And further, our will and pleasure is, and we do by these presents, grant and confirm, for the good and welfare of the said plantation; and that posterity may hereafter know, who have adventured and not been

sparing of their purses in such a noble and generous action for the general good of their country, and at the request, and with the consent of the company aforesaid, that our trusty and well-beloved subjects, George, Lord Arch-Bishop of Canterbury; Henry, Earl of Huntington; Edward, Earl of Bedford; Richard, Earl of Clanrickard, &c., who since our said last letters patents are become adventurers, and have joined themselves with the former adventurers and planters, of the said company and society, shall, from henceforth, be reputed deemed, and taken to be, and shall be brethren and free members of the Company, and shall and may, respectively, and according to the proportion and value of their several adventures, have, hold, and enjoy, all such interests, right, title, privileges, pre-eminences, liberties, franchises, immunities, profits, and commodities, whatsoever, in as large and ample, and beneficial manner, to all intents, constructions, and purposes, as any other adventurers, nominated and expressed in any our former letters patents, or any of them, have or may have, by force and virtue of these presents, or any our former letters patents, whatsoever.

Third
Charter of
James I.,
to the Lon-
don Co.,
March 12,
1811.

To have
equal privi-
leges with
former ad-
venturers.

VI. And we are further pleased, and we do, by these presents, grant and confirm that Philip, Earl of Montgomery; William, Lord Paget; Sir John Starrington, Kn't, &c., whom the said Treasurer and Company have, since the said last letters patents, nominated and set down, as worthy and discreet persons, fit to serve us as Councillors, to be of our Council for the said plantation; shall be reputed, deemed, and taken as persons of our said Council for the said First Colony, in such manner and sort, to all intents and purposes, as those who have been formerly elected and nominated, as our Councillors for that colony, and whose names have been or are inserted and expressed, in our said former letters patents.

Addition
to the
King's
Council.

VII. And we do hereby ordain and grant, by these

PART I.

VIRGINIA,

Third
Charter of
James I.,
to the Lon-
don Co.,
March 12,
1611-12.
The Com-
pany to
hold
weekly
Courts.
How con-
stituted.

presents, that the said Treasurer and Company of adventurers and planters aforesaid, shall and may, once every week, or oftener, at their pleasure, hold and keep a Court and Assembly, for the better order and government of the said plantation, and such things as shall concern the same; and that any five persons of our Council for the said First Colony in Virginia, for the time being, of which company the Treasurer, or his deputy, to be always one, and the number of fifteen others at the least, of the generality of the said Company, assembled together in such manner as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a sufficient Court of the said Company, for the handling, and ordering, and dispatching of all such casual and particular occurrences, and accidental matters, of less consequence and weight, as shall, from time to time, happen touching and concerning the said plantation.

Great and
General
Courts es-
tablished.

VIII. And that nevertheless, for the handling, ordering and disposing of matters and affairs of greater weight and importance, and such as shall or may, in any sort, concern the public weal and general good of the said Company and plantation, as namely the manner of government from time to time to be used, the ordering and disposing of the lands and possessions, and the settling and establishing of a trade there, or such like, there shall be held and kept every year, upon the last Wednesday save one of Hilary Term, Easter, Trinity, and Michaelmas terms, for ever, one great, general, and solemn assembly, which our assemblies

To hold
four terms
a year.

Stile of the
Courts.

shall be stiled and called THE FOUR GREAT AND GENERAL COURTS OF THE COUNCIL AND COMPANY OF ADVENTURERS FOR VIRGENIA. In all and every of which said Great and General Courts, so assembled, our will and pleasure is, and we do, for us, our heirs, and successors, for ever, give and grant to the said Treasurer and Company, and their successors, for ever, by these presents, that they, the said Treasurer and Company, or

the greater number of them, so assembled, shall and may have full power and authority, from time to time, and at all times hereafter, to elect and choose discreet persons, to be of our said Council, for the said First Colony in Virginia; and to nominate and appoint such officers, as they shall think fit and requisite, for the government, managing, ordering and dispatching of the affairs of the said company; and shall likewise have full power and authority to ordaine and make such laws and ordinances, for the good and welfare of the said plantation, as to them, from time to time, shall be thought requisite and meet: *so always as the same be not contrary to the laws and statutes of this our realm of England*; And shall, in like manner, have power and authority to expulse, disfranchise, and put out of and from their said company and society, forever, all and every such person and persons, as having either promised, or subscribed their names, to become adventurers to the said plantation of the first colony in Virginia, or having been nominated for adventurers, in these or any other our letters pattents, or having been otherwise admitted and nominated to be of the said company, have nevertheless either not put in any adventure at all for and towards the said plantation, or else have refused and neglected, or shall refuse and neglect to bring in his or their adventure, by word or writing promised, within six months after the same shall be so payable and due.

IX. And whereas the failing and non-payment of such monies as have been promised in adventure for the advancement of the said plantation, hath been often by experience found to be dangerous and prejudicial to the same, and much to have hindered the progress and proceeding of the said plantation, and for that it seemeth unto us a thing reasonable, that such persons as by their handwriting have engaged themselves for the payment of their adventures, and afterwards neglecting their faith and promise, should be

Third
Charter of
James I.,
to the Lon-
don Co.,
March 12,
1611-12.
Powers,
&c.

Proviso.

Powers
over delin-
quents.

Unpaid
subscrip-
tions.

Judges to
favor suits
for sub-
scriptions.

PART I.

VIRGINIA,

Third
Charter of
James I.,
to the Lon-
don Co.,
March, 12,
1611-12.

compelled to make good and keep the same ; therefore our will and pleasure is, that in any suit or suits, commenced or to be commenced, in any of our Courts at Westminster, or elsewhere, by the said Treasurer and Company, or otherwise, against any such persons, that our Judges for the time being, both in our Court of Chancery, and at the Common Pleas, do favor and further the said suits, so far forth as law and equity will, in any wise, further and permit.

Admission
of new
members.

X. And we do, for us, our heirs, and successors, further give and grant to the said Treasurer and Company, or their successors, for ever, that they, the said Treasurer and Company, or the greater part of them, for the time being, so in a full and general court assembled, as aforesaid, shall and may, from time to time, and at all times forever hereafter, elect, choose, and admit into their company and society, any person or persons, as well strangers and aliens, born in any part beyond the seas wheresoever, being in amity with us, as our natural liege subjects, born in any our realms, and dominions; and that all such persons, so elected, chosen and admitted to be of the said company, as aforesaid, shall thereupon be taken, reputed, and held, and shall be, free members of the said company, and shall have, hold, and enjoy, all and singular freedoms, liberties, franchises, privileges, immunities, benefits, profits, and commodities, whatsoever, to the said company in any sort belonging or appertaining, as fully, freely, and amply, as any other adventurers, now being, or which hereafter at any time shall be, of the said company, hath, have, shall, may, might or ought to have and enjoy the same, to all intents and purposes whatsoever.

Admission
of aliens
and stran-
gers.

Privileges
of mem-
bers thus
admitted.

May solicit
and trans-
port emi-
grants.

XI. And we do further of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant unto the said Treasurer and Company, and their successors, for ever, by these presents, that it shall be lawful and free for them and their

assigns, at all and every time and times hereafter, out
 of any our realms and dominions whatsoever, to take,
 lead, carry, and transport, in and into the said voyage,
 and for and towards the said plantation, of our said
 First Colony in Virginia, all such and so many of our
 loving subjects, or any other strangers that will become
 our loving subjects and live under our allegiance, as
 shall willingly accompany them in the said voyages and
 plantation, with shipping armour, weapons, ordnance,
 munition, powder, shot, victuals, and all manner of
 merchandizes and wares, and all manner of clothing,
 implements, furniture, beasts, cattle, horses, mares, and
 all other things necessary for the said plantation, and
 for their use and defence, and for trade with the people
 there, and in passing and returning to and from, with-
 out paying or yielding any subsidy, custom or imposition,
 either inward or outward, or any other duty to us, our
 heirs, or successors, for the same, for the space of seven
 years from the date of these presents.

Third
 Charter of
 James I. to
 the Lon-
 don Co.,
 March 12,
 1611-12.

Goods, &c
 free of
 duty for
 seven
 years.

XII. And we do further, for us, our heirs, and suc-
 cessors, give and grant to the said Treasurer and Com-
 pany, and their successors, for ever, by these presents,
 that the said Treasurer of that Company, or his deputy,
 for the time being, or any two other of the said coun-
 cel for the said First Colony in Virginia, for the time
 being, or any two other, at all times hereafter, and from
 time to time, have full power and authority, to minis-
 ter and give the oath and oaths of supremacy and alle-
 giance, or either of them, to all and every person and
 persons which shall at any time or times hereafter, go
 or pass to the said colony, in Virginia:

Oaths of
 suprema-
 cy and
 allegiance.

XIII. And further, that it shall be lawful likewise
 for the said Treasurer, or his deputy, for the time
 being, or any two or others of our said council for the
 said First Colony in Virginia, for the time being, from
 time to time, and at all times hereafter, to minister
 such a formal oath, as by their discretion shall be rea-
 sonably devised, as well unto any person or persons,

Other
 Oaths.

PART I.

VIRGINIA,

Third
 Charter of
 James I.
 to the Lon-
 don Co.,
 March 12,
 1611-12.

Discre-
 tionary
 Oaths.

Of deser-
 tions and
 misrepresen-
 tations.

employed in, for, or touching the said plantation, for their honest, faithful, and just discharge of their service, in all such matters, as shall be committed unto them for the good and benefit of the said company, colony and plantation ; As also unto such other person or persons, as the said Treasurer or his deputy, with two others of the said council, shall think meet, for the examination and clearing of the truth, in any cause whatsoever concerning the said plantation, or any business, from thence proceeding, or thereunto belonging.

XIV. And furthermore, whereas we have been certified, that divers lewd and ill disposed persons, both sailors, soldiers, artificers, husbandmen, labourers, and others ; having received wages, apparel, and other entertainment, from the said company, or having contracted and agreed with the said company, to go, or to serve, or to be employed, in the said plantation of the said First Colony in Virginia, have afterwards either withdrawn, hid, or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal ; and that divers and sundry persons also, which have been sent and employed in the said plantation of the said First Colony in Virginia, at and upon the charge of the said company, and having there misbehaved themselves, by mutinies, sedition, or other notorious misdemeanors, or having been employed and sent abroad, by the Governour of Virginia, or his deputy, with some ship or pinnace, for our provisions of the said colony, or for some discovery, or other business and affairs concerning the same, have from thence most treacherously, either come back again and returned unto our realm in England, by stealth, or without licence of our Governour of our said Colony in Virginia, for the time being, or have been sent thither, as misdoers and offenders ; and that many also of those persons, after their return from thence, having been questioned by our said council here, for such their misbehaviors and offences, by their insolent and contempt-

uous carriage in the presence of our said council, have showed little respect and reverence, either to the place, or authority in which we have placed and appointed them; and others, for the colouring of their lewdness and misdemeanors, committed in Virginia, have endeavored, by most vile and slanderous reports, made and divulged, as well of the country of Virginia, as also of the government and estate of the said plantation and colony, as much as in them lay, to bring the said voyage and plantation into disgrace and contempt; by means whereof, not only the adventurers and planters, already engaged in the said plantation have been exceedingly abused and hindered, and a great number of other our loving and well disposed subjects, otherwise well affected, and enclined to join and adventure in so noble, christian, and worthy an action, have been discouraged from the same, but also the utter overthrow and ruin of the said enterprize hath been greatly endangered, which cannot miscarry without some dishonor to us and our kingdom;

Third
Charter of
James I.
to the Lon-
don Co.,
March 12,
1611-12.
Of at-
tempts to
disparage
the Com-
pany and
Colony.

Discourag-
ing adven-
turers.

XV. Now, forasmuch as it appeareth to us, that these insolences, misdemeanors, and abuses, not to be tolerated in any civil government, have for the most part, grown and proceeded, in regard our said council have not any direct power and authority, by any express words in our former letters patents, to correct and chastise such offenders; We therefore, for the more speedy reformation of so great and enormous abuses and misdemeanors, heretofore practised and committed, and for the prevention of the like hereafter, do, by these presents, for us, our heirs, and successors, give and grant to the said Treasurer and Company, and their successors, forever; that it shall and may be lawful for our said council for the said First Colony in Virginia, or any two of them (whereof the said Treasurer, or his deputy, for the time being, to be always one) by warrant under their hands, to send for, or to cause to be apprehended, all and every such person,

Source of
these dis-
orders.

Remedial
provision.

Power to
apprehend
and pun-
ish.

PART I.

VIRGINIA, .

Third and persons, who shall be noted, or accused, or found, at any time or times hereafter, to offend or misbehave themselves, in any the offences before mentioned and expressed; And upon the examination of any such offender or offenders, and just proof made by oath, taken before the said council, of any such notorious misdemeanors by them committed, as aforesaid; And also upon any insolent and contemptuous, or indecent carriage, and misbehavior, to or against our said council, shewed or used by any such persons, so called, convicted, and appearing, before them as aforesaid; that in all such cases, they, our said council, or any two of them, for the time being, shall and may have full power and authority, either here to bind them over with good sureties for their good behavior, and further therein to proceed, to all intents and purposes, as it is used, in other like cases, within our Realm of England; or else, at their discretion, to remand and send them back, the said offenders, or any of them, unto the said colony in Virginia, there to be proceeded against and punished, as the governor, deputy, or council, there, for the time being, shall think meet; or otherwise according to such laws and ordinances, as are and shall be in use there, for the well ordering and good government of the colony.

Charter of James I. to the London Co., March 12, 1611-12.
Accused, how tried, &c.

Where to be punished.

The Company may establish Lotteries, &c.

XVI. And for the more effectual advancing of the said plantation, we do further, for us, our heirs, and successors, of our especial grace and favor, by virtue of our Prerogative Royal, and by the assent and consent of the Lords and others of our Privy Council, give and grant unto the said Treasurer and Company, full power and authority, free leave, liberty, and licence, to set forth, erect, and publish, one or more lottery or lotteries, to have continuance, and to endure and be held, for the space of one whole year, next after the opening of the same; and after the end and expiration of the said term, the said lottery or lotteries to continue and be further kept, during our will and pleasure only, and not otherwise. And yet nevertheless, we are contented

and pleased, for the good and welfare of the said plantation, that the said Treasurer and Company shall, for the dispatch and finishing of the said lottery or lotteries, have six months warning after the said year ended, before our will and pleasure shall, for and on that behalf, be construed, deemed, and adjudged, to be in any wise altered or determined.

Third
Charter of
James I.
to the Lon-
don Co.,
March 12,
1611-12.

XVII. And our further will and pleasure is, that the said lottery or lotteries shall and may be opened, and held, within our City of London, or in any other City or Town, or elsewhere, within this our Realm of England, with such prizes, articles, conditions, and limitations, as to them, the said Treasurer and Company, at their discretion shall seem convenient.

Lotteries,
where to
be opened.

XVIII. And that it shall and may be lawful, to and for the said Treasurer and Company, to elect and choose, receivers, auditors, surveyors, commissioners, or any other officers, whatsoever, at their will and pleasure, for the better marshalling, disposing, guiding, and governing of the said lottery and lotteries; and that it shall likewise be lawful, to and for the said Treasurer, and any two of the said council, to minister to all, and every such person, so elected and chosen for officers, as aforesaid, one or more oaths, for their good behaviour, just and true dealing, in and about the said lottery or lotteries, to the intent and purpose, that none of our loving subjects, putting in their names, or otherwise adventuring in the said general lottery or lotteries, may be, in any wise, defrauded and deceived of their said monies, or evil and indirectly dealt withal in their said adventures.

May ap-
point man-
agers of
the Lotte-
ries.

XIX. And we further grant in manner and form aforesaid, that it shall and may be lawful, to and for the said Treasurer and Company, under the seal of the said council for the plantation, to publish, or to cause and procure to be published, by proclamation or otherwise (the said proclamation to be made in their name by virtue of these presents) the said lottery or lotte-

May pub-
lish the
Schemes
of their
Lotteries.

PART I.

VIRGINIA,

Third Charter of James I. to the London Co., March 12, 1611-12.

ries in all cities, towns, boroughs, and other places within our said Realm of England; and we will and command all mayors, justices of the peace, sheriffs, bailiffs, constables, and other officers and loving subjects, whatsoever, that, in no wise, they hinder or delay the progress and proceedings of the said lottery or lotteries, but be therein touching the premises, aiding and assisting, by all honest, good, and lawful means and endeavours.

Patents to be construed beneficially.

XX. And further our will and pleasure is, that in all questions, and doubts, that shall arise, upon any difficulty of construction or interpretation of any thing contained in these, or any other our former letters pattents, the same shall be taken and interpreted, in most ample and beneficial manner for the said Treasurer and Company, and their successors, and every member thereof.

Former Grants, &c., confirmed.

XXI. And lastly, we do by these presents, ratify and confirm unto the said Treasurer and Company, and their successors, for ever; all and all manner of privileges, franchises, liberties, immunities, preheminences, profits, and commodities, whatsoever, granted unto them in any our former letters pattents, and not in these presents revoked, altered, changed, or abridged; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gift or grant, by us or any of our progenitors, or predecessors, to the aforesaid Treasurer and Company heretofore made, in these presents is not made; or any statute, act, ordinance, provision, proclamation; or restraint to the contrary thereof heretofore made, ordained, or provided, or any other matter, cause, or thing whatsoever, to the contrary, in any wise, notwithstanding.

IN WITNESS WHEREOF, We have caused these our letters to be made pattents—WITNESS OURSELF, at Westminster, the Twelfth day of March in the ninth year of our reign of England, France and Ireland; and of Scotland the five-and-fortieth.*

* 1. Henning's Statutes at Large—98.

This charter, in its various provisions, sets forth fully the causes which prompted its procurement by the company, and its publication by the Crown: And I cannot give the reader a better idea of the history and condition of the colony at Jamestown, up to the time it was issued, than may be gathered from its fourteenth and fifteenth sections. In many important aspects it relieved the embarrassments which had hitherto beset the company in England, and hindered their operations.

In the mean time, before this charter was issued, an expedition had been dispatched with a full supply of stores, and a large number of adventurers, under the direction of Sir Thomas Dale, who also bore a commission appointing him Governor of the colony. He arrived at Jamestown on the tenth day of May, 1611, and found the colony in such an alarming state of confusion and anarchy that he was obliged to proclaim *martial law* in order to reduce it to quiet and subordination. He was soon succeeded by Sir Thomas Gates, who arrived a second time in the colony, in September of the same year. Sir Thomas Gates came under the auspices of the new charter, bringing with him six ships, and upwards of three hundred adventurers, with an ample freight of clothing, merchandize, munitions, and other stores.

The population of the colony was increased in this brief interval to the number of seven hundred men. From this date we observe a more active and efficient management of the concerns of the company in London. The addition to the membership of its Chief Council, of men so illustrious and distinguished, both for rank and opulence, as those named in the fifth section of their new charter; the strength given to their operations under the provisions of its ninth and fifteenth sections; the enlargement of the grant from the Crown under the fourth section, and the more ample and extraordinary powers and privileges conveyed by it as a whole, made this company one of the most power-

The Third
Charter to
the London
Company,
1611-12.

Expedition
under Sir
Thomas
Dale, May,
1611.

Expedition
of Sir
Thomas
Gates un-
der this
Charter.

Its effects
upon their
Planta-
tions in
America.

Advantages of the First over the Second Colony.

Protestantism in New England and Virginia.

Administration of Sir Thomas Gates, 1612-14.

ful and influential bodies politic and corporate that had as yet been created in any country. As such it possessed peculiar and uncommon advantages for the settlement of the country conveyed to it. In this respect we shall observe a vast difference between it and the Second Colony or the company located at Plymouth. Here too we may mark again the difference between the settlement of New-England, and the planting of the "Old Dominion" of Virginia. Hence the origin of those distinctive characteristics which even now obtain and render unlike these two sections of our country. The causes which combined to promote the planting of the one, and to originate the settlement of the other, really serve as mile-stones to mark the development of the true elements of civil and religious freedom embraced in the Protestantism of the Reformation. The oath of supremacy, made a condition precedent to emigration to Virginia, by the twelfth section of this charter, never was, and never could have been made, a condition precedent to the settlement of New-England. The Puritan adventurer, while he acknowledged his political allegiance to the Sovereign, disavowed, and disavowed even to imprisonment, to proscription, to exile, and to death if need be, the supremacy of the Crown in matters of religion. Still farther on in the progress of protestant principles he disavowed also the supremacy of the Crown in affairs of State. And to this same complexion also did Virginia, the noble, the high-born, the loyal Virginia, come at last, as we shall see hereafter. But to return to the colony.

Hitherto, according to royal instructions, the lands were wrought in common, and the proceeds of cultivation, of labour, and of commerce, were deposited in the public magazines, and thence distributed by the Cape Merchant chosen for that purpose by the colonial council, alike to all as their necessities required. Sir Thomas Gates tried the experiment of dividing a portion of the lands into lots of several acres each, and

conveying one of these lots in full right to each family, or individual. The beneficial effects of this policy was at once perceptible in its influence upon the habits and character of the colonists, and in the rapidity with which it promoted the growth and improvement of the entire plantation. Property being thus distributed, each individual occupying his own portion, and reaping from it a reward proportioned to his own labours and exertions, the virtues of industry, sobriety, and frugality were cultivated, while personal ambition was awakened, and individual enterprise encouraged. Sir Thomas Gates ruled over the colony until the year 1614 when he returned again to England, and the government devolved a second time upon Sir Thomas Dale, whose administration of its affairs was efficient, judicious, and wholesome.

Under the
London
Company,
1612-24.

Succession
of Sir
Thomas
Dale,
1614-16.

The effect of dividing the land into portions and allotting them to individuals as their own property, to be cultivated and improved for their own benefit, was found to be so much more promotive of the interests of the colony, that the system of labouring in common, and depositing the products of this labour in the public stores, for the common benefit, was now entirely abandoned. The Council of the company, convinced that this was the surest way of peopling the country, and encouraging emigration, gave notice that fifty acres of land would be given to each person, who emigrated, subject nevertheless to the general jurisdiction of the company. The consequence was, that large numbers of adventurers were induced to plant their families, and try their fortunes in this new country.

The com-
mon stock
system
abandon-
ed.

The sys-
tem of
land dis-
tribution
adopted
by the
Company.

In the year 1615 the colonists undertook the cultivation and exportation of tobacco, but the attempt to introduce it into the polished circles in the mother country, excited the odium of the crown, as well as the contempt and ridicule of the principal members of parliament. At length James issued a pamphlet against it, which he called a *Counterblast*, and the Com-

Cultiva-
tion of
tobacco.

Prohibited
by the
Crown.

PART I.

VIRGINIA,

Under the London Company, 1612-24. the company were directed to prohibit the cultivation of it in the colony. Notwithstanding, it outlived this prejudice, and the cultivation of it soon revived again. It afterwards became a profitable article of commerce not only, but its use also as a beverage, though none the less odious and disgusting in some of its forms, has since been freely adopted in almost all parts of the world. It formed for many years in Virginia an article of currency, and has always been a staple of trade.

Succession of Sir George Yeardley, 1616. In 1616 Sir Thomas Dale returned to England, having previously appointed Sir George Yeardley, deputy governor of the colony; who after a mild and judicious administration for one year also returned to England, leaving the plantation under the Presidency of Capt. Samuel Argall. Argall was a rough, hardy sea-captain, a man of impetuous enterprise and ability, but of a brutal, selfish, and domineering disposition. Imitating the absolutism of his craft he proclaimed martial law, not because it was necessary, but because it was more congenial to his overbearing spirit. He ruled the colonists with a rigorous and unjust severity. He imposed arbitrary and oppressive restrictions upon their trade, interdicted the sports of the forest, and doomed to imprisonment and even servitude all who refused to attend the services of the church on Sundays and Holy-days. The colonists appealed from his arbitrary ordinances to the Crown, and laid their grievances before the company and council in England. Whereupon Sir George Yeardley was commissioned to enquire into the causes of their complaints, to redress their wrongs, and to act as governor of the colony.

Appeal to the Company. This commission was dated the eighteenth day of November, 1618; and appointed a council, who, with the governor, were directed to divide the colony into cities, boroughs, &c. Sir George arrived in Virginia, pursuant to this commission, early in the year 1619, and under his auspicious rule was established the first regular and efficient political organization in Virginia.

Commission to Sir George Yeardley, 1618.

of which we can find any definite record. He laid out four new corporations; and summoned the colonists to meet in a General Assembly. But as their plantations had now become widely scattered, and it was inconvenient, if not entirely impracticable, for the people generally to come together at Jamestown, they were authorized to appear by delegates chosen by and from among themselves. As no counties had as yet been formally laid off, the several plantations were designated as townships or boroughs, and hence the delegates to the assembly were called burgesses. Eleven boroughs were represented in this assembly, which was composed of the governor and council and the burgesses. They all sat together as one House,* and debated and acted together upon all matters which concerned the general good of the colony.

Under the London Company, 1612-24.

First regular Colonial Government, 1619.

The Assembly, how composed.

* Beverly. Henning.

The acts passed by this assembly were not numerous, or of particular importance, except an act dissolving martial law, which had been established by Capt. Argall. The principal object of the governor and council in calling it seems to have been for the two-fold purpose of a more specific colonial organization, and to soothe the spirit and allay the ill-temper which had been engendered by the administration of Argall. The colonists of Virginia now rejoiced, says Marshall, "to find themselves exercising the noblest functions of English freemen."

Proceedings of the Assembly.

This was the first representative assembly ever held in America, and the earliest instance of the exercise of legislative functions by the colonists in Virginia. It forms an interesting and important era in our governmental history. It gave the people an idea of representation, and a taste for legislative liberty, which could never thereafter be offended with impunity. Hitherto they had had no voice in the enactment of their laws, or the administration of their public affairs. These prerogatives had been exercised either by the King's council, or by the company in England, or by

First development of Republicanism in America.

PART I.

VIRGINIA,

Under the
London
Company,
1612-24.

Develop-
ments of
Protestant-
ism in Eng-
land and
Virginia.

a council, or officers of their appointment, in the colony: But the planters of Virginia had reached that period in their own, and in the history of the mother country, when Protestantism began to disclose to the world its elements of political as well as religious freedom. When it had come to be seriously questioned in the minds of far-seeing and sagacious men, how far the people were entitled to *have a voice in choosing the rulers and enacting the laws*, which they were called upon to obey. Many things might, indeed, for a while longer, check the too curious inquiry, and many influences might contribute yet to stifle its freer utterance in the mother country; while here in America, far removed from the direct disturbances and pains it might engender, it could safely assume a more tangible shape. Its development in Virginia, though necessarily more tardy and less striking than in New England, was still progressing in an under current, which, though it hardly rippled the surface, was yet impregnating the swelling tide of emigration with its elements of political liberty and its sources of popular power. The subdivision of their plantations into townships, the expansion of their resources, and their generally increasing prosperity, henceforth relieved the colonists from the anxieties and embarrassments which had attended the infant growth of their settlements. Exemption from disease, freedom from exacting labour, and relief from the earnest necessities of self-preservation, gave them leisure to devote themselves more carefully to the general interests and concerns of a community in which they now lived as traders, as land-owners, and property holders. Hence they began to turn their attention to the charter of the company, and discovering the extent of its prerogatives and the inaptness of many of its privileges, they emerged from that quiet and easy state of acquiescence in which they had hitherto reposed. In their social gatherings, in their political assemblies, and at the sittings of their

courts, there appeared able controversialists and popular orators, who exposed the injustice of the policy of government adopted by the parent council, and whose denunciations of the operations of the company were bold, manly and energetic. The conditions, limitations and restrictions imposed by the corporation, to which they had submitted in their infancy, were now felt as restraints beyond the measure of which the spirit of liberty soon swelled itself, until the appeal went forth, loud and incessant, that to them should be practically extended, "all and unqualified, the privileges of free natives and denizens of England." The most essential of these they considered the right of participating by their representatives in the action of the government to which they were subjected. They had grown to a degree of strength, which commanded the respect of the company, while the interests of its principal projectors were too much involved in the prosperity of the colony, to allow their demands to go unheeded. Hence the action of the home administration, from this time onward, necessarily becomes a part of our history, and demands our attention.

Under the
London
Company,
1612-24.

The right
of repre-
sentation.

On the twenty-fourth day of July, 1621, was issued "*An Ordinance and Constitution of the Treasurer and Company in England for a Council of State and General Assembly*" in Virginia—as follows:

ORDINANCE OF THE COMPANY.

I. To all people to whom these presents shall come, be seen, or heard; The Treasurer, Council and Company of adventurers and planters for the city of London, for the First Colony of Virginia, send greeting: KNOW YE that WE, the said Treasurer, Council, and Company; taking into our careful consideration the present state of the said colony of Virginia, and intending by the Divine assistance, to settle such a form of government there, as may be to the greatest benefit and comfort of the people, and whereby all injustice, grievances, and oppression may be prevented

Ordinance
for a Colo-
nial gov-
ernment,
1621.

Declara-
tion of
their in-
tention.

PART I.

VIRGINIA,

Under the
London
Company,
1612-24.

Supreme
Assistant
Council.

Two Su-
preme
Colonial
Councils.

The first,
how desig-
nated.

Names of
Members.

Their
duties.

and kept off as much as possible, from the said colony ; have thought fit to make our entrance *by ordering and establishing* such supreme councils, as may not only be assisting to the governor, for the time being, in the administration of justice, and the executing other duties to his office belonging, but also by their vigilant care and prudence, may provide as well for a remedy of all inconveniences growing from time to time, as also for advancing of increase, strength, stability, and prosperity of the said colony.

II. WE, therefore, the said Treasurer, Council, and Company, by authority directed to us from his Majesty under the great seal, upon mature deliberation, *do hereby order and declare*, that from henceforward, there shall be Two Supreme Councils in Virginia, for the better government of the said colony aforesaid.

III. The one of which Councils, to be called the Council of State (and whose office shall chiefly be, assisting with their care, advice, and circumspection, to the said governor), shall be chosen, nominated, placed and displaced, from time to time, by us, The said Treasurer, Council, and Company, and our successors : which Council of State shall consist, for the present, only of these persons as are here inserted, viz. : Sir Francis Wyatt, governor of Virginia ; Capt. Francis West ; Sir George Yeardley, Knight ; Sir William Neuce, Knight, marshall of Virginia ; Mr. George Sandys, treasurer ; Mr. George Thorpe, deputy of the College ; Capt. Thomas Neuce, deputy for the company ; Mr. Powlet, Mr. Leach ; Captain Nathaniel Powel ; Mr. Christopher Davidson, secretary ; Dr. Potts, physician to the company ; Mr. Roger Smith ; Mr. John Berkley ; Mr. John Rolfe ; Mr. Ralph Hamer ; Mr. John Pountis ; Mr. Michael Lapworth ; Mr. Harwood ; Mr. Samuel Macock ; which said Councils and Council we earnestly pray and desire, and in his majesty's name strictly charge and command, that (all factions, partialities, and sinister respect laid

aside,) they bend their care and endeavors to assist the said governor; *first and principally*, in the advancement of the honor and service of God, and the enlargement of his kingdom against the heathen people; and next, in erecting of the said colony in due obedience to his majesty, and all lawful authority from his majesty's directions; and lastly, in maintaining the said people in justice and christian conversation among themselves, and in strength and ability to withstand their enemies. And this council, to be always, or for the most part, residing about, or near, the governor.

Under the London Company, 1612-24.

Ordinance of 1621.

Christianity recognized as an element in government.

State Council, where to reside.

IV. The other council, more generally to be called by the governor, once yearly, and no oftener, but for very extraordinary and important occasions; shall consist, for the present, of the said Council of State, and of two burgesses out of every town, hundred, or other particular plantation, to be respectively chosen by the inhabitants; which council shall be called The General Assembly, wherein (as also in the said Council of State) all matters shall be decided, determined, and ordered, by the greater part of the voices then present; reserving to the governor always a negative voice.

Second Council, how composed, &c.

How designated.

And this General Assembly shall have free power to treat, consult, and conclude, as well of all emergent occasions concerning the public weal of the said colony, and every part thereof; as also to make, ordain, and enact such general laws and orders, for the behoof of the said colony, and the good government thereof, as shall, from time to time, appear necessary or requisite.

Powers of the General Assembly.

V. Whereas in all other things, we require the said General Assembly, as also the said Council of State, to imitate and follow the policy of the form of government, laws, customs, and manner of trial, and other administration of justice, used in the Realm of England, as near as may be, even as ourselves by his majesty's letters patents are required.

The Governmental policy of England adopted.

VI. *Provided*, that no law or ordinance, made in the said General Assembly, shall be or continue in force or

Laws to be ratified by the General Court in England.

PART I.

VIRGINIA,

Under the
London
Company,
1612-24.

et vice
versa in-
tended;
when.

validity, unless the same shall be solemnly ratified and confirmed in a General Quarter Court of the said company here in England, and so ratified, be returned to them under our seal; *It being our intent* to afford the like measure also unto the said colony, that after the government of the said colony shall once have been well framed, and settled accordingly; which is to be done by us, as by authority derived from his majesty; and the same shall have been so by us declared, no orders of Court afterwards shall bind the said colony, unless they be ratified in like manner in the General Assemblies. In witness whereof, we have hereunto set our common seal the twenty-fourth day of July, 1621, and in the year of the reign of our Sovereign Lord, James, King of England, the * *, and of Scotland, the * * *.

The Com-
pany's
Commis-
sion to the
Governor
and State
Council,
1621.

This Ordinance was enclosed with a commission to Sir Francis Wyatt, (the first governor under it) and his Council, as follows:

THE TREASURER AND COMPANY'S *Commission to Sir Francis Wyatt, governor, and Council*; which said council are to assist the governor in the administration of justice, *to advance christianity among Indians*; to erect the colony in obedience to his majesty, and in maintaining the people in justice *and christian conversation*, and strengthening them against enemies. The said governor, council, and two burgesses out of every town, hundred or plantation, to be chosen by the inhabitants to make up a General Assembly, who are to decide all matters by the greatest number of voices; but the governor is to have a negative voice, to have power to make orders and acts necessary, wherein they are to imitate the policy of the form of government, laws, customs, manner of trial, and other administration of justice used in England, as the company are required by their letters pattent—No law to continue or be in force till ratified by a Quarter Court

The Gen-
eral As-
sembly.

To con-
form to the
Letters
Patent to
the Co.

to be held in England, and returned under seal—After the colony is well framed and settled, no order of Quarter Court in England shall bind till ratified by the General Assembly: The governor is furthermore instructed to keep up the religion of The Church of England as near as may be; to be obedient to the King and do justice after the forms of the laws of England; and not to injure the natives, and to forget old quarrels now buried; to be industrious, and suppress drunkenness, gaming and excess in cloaths: Not to permit any but the council and heads of hundreds to wear gold in their cloaths, or to wear silk till they make it themselves: Not to offend any foreign princes; to punish piracies; to build fortresses and block-houses at the mouths of the rivers: To use means to convert the heathens—viz., to converse with some; each town to teach some children fit for the college intended to be built:

Ratifica-
tion of
Laws by
the Co.

Religion
of the
Church of
England
estab-
lished.

Regalia of
office, by
whom to
be worn.

To perform
missionary
labors.

“After Sir George Yeardley has gathered the present year’s crop, he is to deliver to Sir Francis Wyatt the hundred tenants belonging to governor’s place; Yeardley’s government to expire the 18th November next, and then Wyatt to be published governor; to swear the council.

Sir George
Yeardley
to surren-
der the
Govern-
ment.

George Sandis appointed treasurer, and he is to put in execution all orders of court about staple commodities; to whom is allotted fifteen hundred acres and fifty tenants. To the Marshall, Sir William Newce, the same: To the company’s deputy, the same. To the physician five hundred acres and twenty tenants; and the same to the secretary.

Treasurer
and other
officers.

“To review the commissions to Sir George Yeardley, governor, and the council, dated 18th Nov. 1618, for dividing the colony into cities, boroughs, &c., and to observe all former instructions (a copy whereof was sent) if they do not contradict the present; and all orders of court (made in England.)

To review
former
Commis-
sions.

Census
record of
deaths, &c.

“To make a catalogue of the people in every planta-

PART I.

VIRGINIA,

tion, and their conditions; and of deaths, marriages and christenings. To take care of dead persons' estates for the right owners; and keep a list of all cattle, and cause the secretary to return copies of the premises once a year.

Cultivation
and care
of lands.

"To take care of every plantation upon the death of their chief; not to plant above one hundred pounds of tobacco per head; to sow great quantities of corn for their own use, and to support the multitudes to be sent yearly; to inclose land; to keep cows, swine, poultry, &c., and particularly kyne, which are not to be killed yet.

Manage-
ment of
planta-
tions.

What to
plant.

"Next to corn, plant mulberry trees and make silk, and take care of the Frenchmen and others sent about that work; to try silk grass, to plant abundance of vines, and take care of the vignerers sent.

Of appren-
tices.

"To put prentices to trades, and not let them forsake their trades for planting tobacco, or any such useless commodity.

"To take care of the Dutch sent to build saw-mills, and seat them at the falls, that they may bring their timber by the current of the water. To build water-mills, and block-houses in every plantation:

Care of
contracts.

"That all contracts in England or Virginia be performed, and the breaches punished according to justice: Tenants not to be enticed away.

Iron
works.

"To take care of those sent about iron works, and especially Mr. John Berkeley; that they dont miscarry again, this being the greatest hope and expectation of the colonies.

Manufac-
tures, &c.

"To make salt, pitch, tar, soap, ashes, &c., so often recommended, and for which materials had been sent; to make oyl of walnuts, and employ apothecaries in distilling lees of beer; and searching after minerals, dyes, gums, and drugs, &c., and send small quantities home.

Tobacco.

"To make small quantity of tobacco, and that very good—That the houses appointed for the reception of

new comers, and public storehouses be built, kept clean, &c.; to send the state of affairs quarterly, and a duplicate next shipping. Quarterly Returns.

“To take care of Captain William Norton, and certain Italians, sent to set up a glass house.

“A copy of a treatise of the plantation business, and excellent observances made by a gentleman of capacity, is sent to lie among the records, and recommended to the councillors to study. Treatise on Plantation business sent to be studied.

“Mr. William Clayborne, a surveyor, sent to survey the planters’ lands, and make a map of the country. Chief officers that have tenants (to be) reprimanded for taking fees, but require that the clerks have fees set for passes, warrants, copies of orders, &c.

“The governor and council to appoint proper times for administration of justice; and provide for the entertainment of the council during their session, to be together one whole month about state affairs, and law suits; to record complaints of consequence: To keep a register of the acts of Quarter Sessions, and send home copies. Terms of Courts. Court Records, &c.

“If a governor dies the major part of the council to choose one of themselves within fourteen days; but if voices be divided the lieutenant governor shall have the place; and next the marshall; next the treasurer; one of the two deputies next. On death of Governor, to fill vacancy.

“The governor and chief officers not to let out their tenants as usual. Tenants of Governor, &c.

“The governor only to summon the council, and sign warrants, and execute or give authority to execute council orders, except in cases that do belong to the marshall, treasurer, deputies, &c. The governor to have absolute authority to determine and punish all neglect, and contempts of authority, except the council, who are to be tried at the Quarter Sessions and censured. The governor to have but the casting voice in council or court, but in the Assembly a negative voice. Certain powers vested solely in the Governor.

“That care be taken that there be no engrossing, or Not to engross the markets.

forestalling the market: All servants to fare alike in the colony; and their punishment for any offences is to serve the colony in public works.

Fisheries.

Staple
Commodi-
ties.
Ships and
freight.

“To see that the Earl Pembroke’s thirty thousand acres be very good—To make discoveries along the coast, and find a fishery between James River and Cape Cod. As to raising staple commodities the chief officers ought to set examples, and to aim at the establishment of the colony: And lastly, not to let ships stay long, and to freight them with walnuts and any less valuable commodity.”

“The Governor to administer an oath to the Council as follows:

Oath of
The Colo-
nial Coun-
cil.

“You shall swear to be a true and faithful servant unto the King’s majesty as one of his council for Virginia—You shall in all things to be moved, treated, and debated in that council concerning Virginia or any of the territories of America, between the degrees of thirty-four and forty-five from the equinoctial line northward, or the trades thereof, faithfully and truly declare your mind and opinion, according to your heart and conscience; and shall keep secret all matters committed and revealed to you concerning the same, and that shall be treated secretly in that council, or this council of Virginia, or the more part of them (until) publication shall be made thereof. And of all matters of great importance or difficulty, before you resolve thereupon, you shall make his majesty’s Privy Council acquainted therewith and follow their directions therein: You shall to your uttermost bear faith and allegiance to the king’s majesty, his heirs, and lawful successors, and shall assist and defend all jurisdictions, preheminences, and authorities granted unto his majesty and annexed unto the crown against all foreign princes, persons, prelates, or potentates whatsoever, be it by act of parliament or otherwise: And generally, in all things, you shall do as a faithful and true servant

and subject ought to do. *So help you God and the Holy contents of this Book."*

I have thus given all the details in the formation of the first colonial government fully organized by the London Company over their plantations in Virginia. They are important and interesting, not only as exhibiting its prominent and peculiar features, but also as illustrating the elaborate and systematic care with which the establishment and growth of this colony was watched and fostered by the Crown and Company in England. It enables us, too, again to bring into prominent and effective contrast with it, as we shall hereafter take further frequent occasion to do, the parentage and early organism of New England. I should be unsteady to my purpose, did I not, as they arise, point out these various exhibitions of characteristic origin, progress, organization, and government. Here, in Virginia, we have it, the result of full twenty years of exploration, experiment, expenditure, speculation, and adventure; while the ablest heads, and the most opulent and distinguished of men, with hosts of ready adventurers, had devoted their labours, their energies, and their resources, to its accomplishment. There, in New England, it was the work, as it were, of a single year, wrought out by a mere handful of needy and persecuted exiles, without the countenance of royalty, or the influence of rank, or the contributions of opulence, or the speculations of commerce, or the explorations of science. Here, it was in a genial latitude, upon an exuberant soil, with an abundance of labour and material for subduing the country, and bringing its resources into immediate and active contribution to their necessities and their protection. There, it was labour in a wintry climate, on a frozen and stubborn soil, by the coast of a cheerless ocean, in a country not easily prospected, and with a fearful lack of munitions and materials for defence, as well as the

General
remarks.

Organism
of Virginia
compared
with New
England.

appliances necessary for self-preservation. Here it is that the two pictures have their several and peculiar points of interest and attraction. Here we trace the origin, respectively, of those lights and shades which mark the completeness of the more perfect forms of a free government, and free institutions, in which we now rejoice. There is something profoundly philosophical and attractive in the lessons to be learned from these records of their early and varied experiences; and there is also akin to these something sublime as well as beautiful, in the harmony which, in maturer years, accompanied the confluence of their discordant elements and the blending of their fraternal lineaments, uniting them in one great national brotherhood of Free States and of Free Men.

The organization under the Co.'s Constitution of 1621.

Analogy to the English Constitution.

The organization of the Colonial Government established by virtue of the commission and instructions to the Governor and Council, was undoubtedly framed "so as to imitate and follow the policy of government, and other administration of justice, used in England, *as near as may be.*" The Governor was supposed to represent the King, the Council to answer to the Peerage, and the Burgesses to the House of Commons. Such at least is the analogy to the Constitution of England, which is fondly, and I confess not inaptly, traced by her historians. But, nevertheless, in attentively perusing the history of her Colonies in America, we discover far more interesting and important developments of free republican principles, and a more noble and generous regard for the rights of the individual man, in their departures from, than in their assimilations to the constitution and laws of the mother country. Under a policy of government so much more favorable to the interests, rights, and liberties of the colonists, though in many of its features and provisions still objectionable, the prosperity of the colony was henceforth greatly promoted. The opening of a more extensive commerce with the mother coun-

try enlarged the resources of the people, accessions were made to their numbers by the arrival of new adventurers, additional towns were in consequence erected, while the number composing the popular branch of the General Assembly was also increased. This extension of their settlements, and the wider dispersion of the population which necessarily followed it, rendered the existing administration of justice inconvenient and almost impracticable, inasmuch as the judicial powers of the colony were vested exclusively in the Governor and Council, who were required to hold their courts at Jamestown. To obviate these evils, inferior courts were established, whose jurisdiction embraced a certain district, composed of a convenient number of plantations, and whose sessions were made more frequent. These were called County or Monthly Courts, the first of which were held in the year 1622. They were established under a Commission from the Governor, as follows:

Under the
London
Company,
1612-24.

Origin and
creation of
County
Courts.

“To all to whome these presents shall come, I, Sir Francis Wyatt, Governor and Captain General of Virginia, send Greeting, *in our Lord God Everlasting*: WHEREAS, for the greater ease of the inhabitants of diverse parts of this colony, and for the better conservation of the peace, and due execution of such laws and orders as are, or shall be, established for the government of the people and inhabitants of the same, The Governor and Councill have thought fitt, and accordingly appointed, by an order of Court made on the — day of —, that there shall be Monthly Courts held and kepte in some of the more remote plantations thereof, KNOW YE *that according to the said order*, these persons whose names are here inserted, are for the time being assigned and appoynted to be the present commissioners of and for the holding and keeping of Monthly Courts within the corporation of —, and the parts near adjoining, viz., A. B., C. D., E. F., &c., which said commissioners, or any

The Gov-
ernor's
Commis-
sion estab-
lishing
County
Courts,
1621-2.

three of them, whereof A. B. and C. D. shall be always one, shall have power and authority to hear and determine all such suits and controversies between party and party as exceed not the value of one hundred pounds of tobacco, especially that they take into their care the conservation of the peace, the quiet government and safety of the people there residing, or being, and that all orders and proclamations bee kept and observed; and according to the same to inflict a punishment upon all delinquents either by fine or otherwise, (such offences only excepted as concerne the taking away of life or member.) PROVIDED always that it shall be lawful for the plaintiff or defendant in any suit before the said commissioners depending, to appeal to the Court at James Citty, there holden by the Governor and Councel: And they are hereby required, from tyme to tyme, to keep records of all judgments, orders, and other matters of moment as by them shall be concluded and agreed on. GIVEN at *James Citty, &c.*"

Jurisdiction prescribed and defined.

Limitation of Jurisdiction.

Right of appeal.

Required to keep a record of their proceedings.

Their relations with the Indians.

See 1. Henning's Statutes at Large.

The relations of the colonists with the Indian tribes in Virginia had been established on a friendly basis by the marriage of Sir John Rolfe, a young Englishman, with Pocahontas, the daughter of Powhattan, in the year 1613. This alliance pleased the Chief, and was highly commended by the Company in England, where the young bride was received and treated with distinguishing kindness and attention by the King and Queen, and others of the royal household. She died soon after her marriage, in London, at the age of twenty-two years, leaving an only son. This son afterwards came to Virginia, where he left numerous descendants, who formed some of the most distinguished families in the colony.

On the death of Powhattan his power fell to a Chief who had already grown envious of the increasing settlements of the English. Consequently he contrived a plan for their extermination, which broke out in a gen-

The massacre of 1622.

eral open attack upon their settlements, on the twenty-second day of March, 1622. The attack, it is said, was wholly unexpected, as up to the very day on which it was made, the Indians had maintained their friendly relations and continued their trade with the colonists, manifesting no signs of hostility or disaffection. The work of death was savage-like and terrible; and might have been full and complete, but for the discovery of the plot by a friendly Indian to a citizen of Jamestown a few hours before the onset, which enabled the inhabitants to prepare for their own defence and notify a few neighboring towns. Some four hundred men, women, and children, were mercilessly butchered, and many houses, and stores of goods, plundered and conflagrated. But the infuriated revenge of the survivors of this massacre was quite as perilous, and more fatal to the native tribes. It was then, as it has been ever since, and will continue to be until the last representative of that singularly doomed race is swept off into the waters of the Pacific, a war of extermination. Here it began and the Saxon triumphed. Year after year, as he extended his settlements, the wandering tribes gathered themselves, and their warriors and their braves counselled and combined together, to stay his progress. Still he took possession of their territories, appropriated their fisheries and their cornfields, and made their abodes the home of his own children. Still the unyielding native clung to the soil consecrated by the memories of his youth and the ashes of his fathers, and still the war of extermination went on. Treaties of peace and of amity seemed for a while to stay its desolating activity. Religion, civilization and humanity, each in turn sought to harmonize the two races, and bring them into something like a brotherhood of relationship and association. But the antagonism still remained, deep-seated, heaven-implemented, and the savage still retreated upon the advance of the Saxon, westward. He plants himself by the shores of the Mississippi, but he finds no

The Indian
massacre
of 1622.

Their after
relations.

The warfare between the two races.

rest there. He crosses its turbid waters in his frail canoe, perchance he may repose in his own wigwam and smoke his peace-pipe unmolested there; but the Steam-Boat of the Saxon disgorges its thousands of pursuers, and drives him westward still. He braces himself against the rocky mountains,—but hark! a mysterious rumbling of the earth, a fierce howl in the air, as if the war-whoop of the Great-Spirit was summoning his mightier forces to the conflict, and lo! the locomotive, with its thousands of living warriors tells him that the Saxon is yet on his trail. Pale, horror-stricken, panting, he scales the rocky barriers, and descends toward the setting of the sun! But here he gazes breathlessly upon the same waste of waters which first brought the Saxon to his view, and sees the same mysterious craft floating upon its bosom. He can go no further. He must fight or die. He or his foe, the one or the other, must be exterminated; and now for the conflict. At this moment, while I am writing, it is raging on the shores of the Pacific. Raging in all its horror, its cruelty, and its malignity, and—the history of the past foreshadows its inevitable result.

The earliest full record of the legislation of The General Assembly of Virginia, which has been preserved and published, dates in March, 1623. This with a few other documents which are essential as illustrating the character of the people, the nature of their laws and their policy of government, become a part of our history. The several acts passed by the Assembly were designated by their number, and not by titles and chapters, as in more modern times: I transcribe them here as they are found in the original record, published by Henning.

Colonial Public Acts of 1623-4. Public worship.

LAWs AND ORDERS concluded on by the General Assembly, March the 5th, 1623-4:

1. That there shall be in every plantation, where the people use to meete for the worship of God, a house or

roome, sequestred for that purpose, and not to be for any temporal use whatsoever; and a place empaled in, sequestered only to the burial of the dead.

Colonial
Public
Acts,
1623-4.

2. That whosoever shall absent himselfe from Divine service any Sunday, without an allowable excuse, shall forfeite a pounce of tobacco, and he that absenteth himselfe a month shall forfeit 50 lbs. of tobacco.

Absence
from
Church.

3. That there be an uniformity in our church, as neere as may be to the canons in England; both in substance and circumstance, and that all persons yield readie obedience unto them under paine of censure.

Act of
Uniformi-
ty.

4. That the twenty-second* of March be yeerly solemnized as holliday, and other hollidays (except when they fall two together) betwixt the feast of the Annunciation of the blessed Virgin and St. Michael the Archangell, then only the first to be observed, by reason of our necessities.

Observ-
ance of
Holidays.

5. That no minister be absent from his church above two months in all the yeare upon penalty of forfeiting halfe his means; and whosoever shall absent himself above foure months in the year shall forfeit his whole means and cure.

Non-resi-
dence.

6. That whosoever shall disparage a minister without bringing sufficient prooffe to justify his reports, whereby the mindes of his parishioners may be alienated from him, and his ministry prove less effectual by their prejudication, shall not only pay 500 lb. waight of tobacco, but also aske the minister so wronged forgiveness publickly in the congregation.

Disparag-
ing Minis-
ters.

7. That no man dispose of any of his tobacco before the minister be satisfied, upon pain of forfeiture double his part of the minister's means, and one man of every plantation to collect his means out of the first and best tobacco and corn.

Pay of
Ministers.

8. That the Governor shall not lay any taxes or impositions upon the colony, their lands or commodities, other way than by the authority of the General

Taxes.

Colonial
Public
Acts,
1623-4.

Assembly to be levied and ymployed as the said Assembly shall appoynt.

Military
and other
service.

9. The governor shall not withdraw the inhabitants from their private labours to any service of his own upon any colour whatsoever; and in case the publick service require ymployments of many hands before the holding a general assemblie to give order for the same, in that case the levying of men shall be done by order of the governor and whole body of the counsell; and that in such sorte as to be least burthensome to the people and most free from partiality.

Certain
Planters
exempt
from.

10. That all the old planters that were here before, or came in the last coming of Sir Thomas Gates, they and their posterity shall be exempted from their personal service to the wars, and any public charge (church duties excepted) that belong particularly to their persons (not exempting their families) except such as shall be ymployed to command in chief.

Burgesses
free from
arrest.

11. That no burgesses of the general assembly shall be arrested during the time of the assembly, a week before and a week after, upon pain of the creditor's forfeiture of his debt and such punishment upon the officer as the court shall award.

Monthly
Courts.

Jurisdic-
tion of.

Judges of.

12. That there shall be courts kept once a month in the corporations of Charles Citty and Elizabeth Citty, for the deciding of suits and controversies not exceeding the value of one hundred pounds of tobacco, and for punishing of petty offences. That the commanders of the places, and such others as the Governor and Counsell shall appoint by commission, shall be the judges, with reservation of appeal after sentence, to the Governor and Counsell; And whosoever shall appeal yf he be there cast in suit shall pay duple damages: The commanders to be of the *quorum*, and sentence to be given by the major parties.

Appeal
from.

Survey of
lands.

13. That every private planter's devident shall be surveyed and laid out in several, and the bounds recorded by the survey; if there be any petty differ-

ences betwixt neighbours about their devidents, to be divided by the surveyor; if of much importance to be referred to the governor and council: The surveyor to have 10 lbs of tobacco upon every hundred acres.

Colonial
Public
Acts of
1623-4.

14. For the encouragement of men to plant store of Corne, the price shall not be stinted, but it shall be free for every man to sell it as deere as he can.

Price of
corn.

15. That there shall be in every parish a publick garnery unto which there shall be contributed for every planter exceeding the adge of eighteen years, alive at the crop, after he hath been here a year, a bushel of corne; the which shall be disposed for the publick uses of every parish by the major part of the freemen; the remainder yearly to be taken out by the owners at St. Tho's his day, and the new bushell to be putt in the roome.

Public
Garneries.

16. That three sufficient men of every parish shall be sworn to see that every man shall plant and tend sufficient of corne for his family. Those men that have neglected so to do are to be by the said three men presented to be censured by the governor and council.

Overseers
of corn
planting.

17. That all trade for corne with the salvages, as well public as private, after June next shall be prohibited.

Trade with
the Indi-
ans.

18. That every freeman shall fence in a quarter of an acre of ground before Whitsuntide next, to make a garden for planting of vines, herbs, roots, &c., sub-pœna ten pounds of tobacco a man; but that no man for his own family shall be tyed to above an acre of land, and that whosoever hath fenced a garden and (*) of the land shall be paid for it by the owner of the soyle; they shall also plant mulberry trees.

Gardens.

* Defaced
in the orig-
inal.--
Henning.

19. The proclamations for swearing and drunkenness, set out by the governor and council, are confirmed by this Assembly; and it is further ordered that the churchwardens shall be sworne to present them to the commanders of every plantation, and that the

Swearing
and drunk-
eness.

PART I.

VIRGINIA,

Colonial Public Acts of 1623-4. forfeitures shall be collected by them for publique uses.

Shipping. 20. That a proclamation be read aboard every ship, and afterwards fixed to the maste of such,—prohibiting them to break boulke or make private sales of any commodity until (* * *) James Citty, without special order from the governor and councill.

* Blank in the record. Tobacco inspectors. 21. That the proclamation for the rates of commodities be still in force, and that there be some men in every plantation to censure tobacco.

Weights and measures. 22. That there be no weights nor measures used but such as shall be sealed by officers appointed for that purpose.

Protection against the Indians. 23. That every dwelling house shall be palisaded in for defence against the Indians.

24. That no man go or send abroad without a sufficient partie well armed.

25. That men go not to worke in the ground without their arms (and a centinell upon them.)

26. That the inhabitants go not aboard ships, or upon any other occasions, in such numbers, as thereby to weaken and endanger the plantations.

Powder and arms. 27. That the commander of every plantation take care that there be sufficient of powder and ammunitiion within the plantation under his command, and their pieces fixed, and their arms complete.

28. That there be due watch kept by night.

29. That no commander of any plantation do either himselfe, or suffer others to spend powder unnecessarily in drinking or entertainments, &c.

Offences by persons of quality. 30. That such persons of quality as shall be found delinquent in their duties, being not fitt to undergoe corporal punishment, may notwithstanding be imprisoned at the discretion of the commander; and for greater offences to be subject a fine inflicted by the monthlie court, so that it exceed not the value aforesaid.

31. That every man that hath not contributed to the

finding a man at the castell shall pay for himself and servants five pounds of tobacco a head towards the discharge of such as had their servants there.

Colonial
Public
Acts of
1623-4.

32. That at the beginning of July next the inhabitants of every corporation shall fall upon their adjoining salvages as we did last yeare, those that shall be hurte upon service to be cured at the publique charge: And in case any be lamed to be maintained by the country according to his person and quality.

Destruction of the
Savages.

33. That for defraying of such publique debts our troubles have brought upon us, there shall be levied 10 pounds of tobacco upon every male head above sixteen years of adge now living (not including such as arrived since the beginning of July last.)

Public
debts.

34. That no person within this colony upon the rumor or supposed change and alteration, presume to be disobedient to the present government, nor servants to their private officers, masters, or overseers, at their uttermost perills.

Obedience
to superi-
ors.

35. That Mr. John Pountis, counsellor of state, going to England, (being willing by our entreatie to accept of that employment) to sollicite the general cause of the country to his majesty and the counsel; towards the charges of the voyage the country consent to pay, for every male head above sixteen years of adge then living, which have been here a yeere, ffour pounds of the best merchantable tobacco in leafe, at or before the last of October next."

Commissioner to
England.

There is an allusion made in these Acts to "*The Commander of Plantations.*" This was an office appointed under a commission, issued by the Governor of Virginia to the person to be appointed to the office, which recited that, "*Whereas* the affairs of this colony do necessarily require that men of sufficiency and experience be appointed to command and governe the several plantations and inhabitants within the same; both for the better order of government in the conservation of the place, and in the execution of such orders and

Command
ers of
Planta-
tions.

PART I.

VIRGINIA,

Colonial
Public
Acts of
1623-4.

directions as from tyme to tyme shall be directed unto them, as alsoe for the preventinge and avoyding of such mischiefes as may happen unto us by the intrusions and practices of the Indians, our irreconcilable enemies, *Now know ye* that I (the governor) out of the good opinion I do conceive of the discretion, care and circumspection of (A. B.,) do by these presents, with the consent of the council of state, *constitute and appoint* him the said (A. B.,) to be the Principal Commander

Precincts.

of and for the plantations within the precincts of (naming the particular plantations)—Giving, and by these presents granting, unto him full power and authority to do, execute, and performe all such matters and things as are incident and appertayning to the place and office of commander there. Willing and requiring him, the said (A. B.,) to see that all such orders as heretofore have been, or hereafter shall be, given by the governor and council, bee duly executed and observed. Hereby also chardging all persons

Powers
and duties.

residing and being, or which shall hereafter reside or bee within the same, to yield due respecte and obedience unto him, or in all things which unto him, or them, respectively do belong or appertain—In witness whereof, &c."

Obedience
command-
ed.

Legislation
of the Col-
ony gener-
ally.

These records give us a pretty just and correct idea of the condition of the colony of Virginia, and the frame of government under which it was established at this early period; and form the basis of its whole subsequent political existence. From the scattered and sparse fragments of records which have been preserved, from this date down to the year 1629, it would seem that its legislature, during the interval, was mostly occupied in re-enacting the Acts of Uniformity passed by parliament; or otherwise imitating the Church of England, by adopting and promoting its canons, its discipline and service; in enforcing attendance at church on the sabbath, and the observance of holi-days, and

other religious services, appointed by the church or colonial authorities; or in directing such defensive operations as were necessary to protect them from the Indians.* * Henning, Vol. 1.

It has been well said that the character of a people may be known from their laws, yet the imperfect records of mere municipal legislation do not always furnish the fullest or the best evidence of the actual political life of the early colonies in America, or of their relations with the parent state.

The action of the government of the colony quite as frequently manifested itself in the shape of proclamations addressed to the people, and instructions given to its various officers, directed to be issued by the governor and council, which also assumed the force of laws. These may have served the purpose for which they were intended without ever having been engrossed, or filed in the archives of state. Besides this, their political existence was necessarily progressive, and at times too rapidly changeful, to wait the slow and tedious process of periodical legislative enactments. Hence they were at all times in a condition more or less transitionary. It was impossible that the settlements planted in Virginia should grow and still remain unaffected by the leaven of human progress generated by the protestantism of the reformation, which, under the name of *Puritanism*, was now more actively agitating the parent state in all its relations, whether political, social, or ecclesiastical. The increasing number of emigrants to Virginia increased the number of her towns, and these added year by year to the number of representatives in her General Assembly. Thus that body was brought more under the influence of the popular will, while its more earnest deliberations led to a still further illustration of the objectionable features inherent in the policy of their charter government; and also emboldened them more freely to assert their rights, as well as to oppose any infringement of what they called their liberties, by the company.

Negative
of the
Court of
the Co. on
Colonial
Laws.

Puritanism
in England
and Vir-
ginia.

Dissolution
of the
London
Company,
1624.

It will be observed, by a reference to the sixth section of the order of the company and council in London, instituting a Council of State and General Assembly in the colony, and the commission to Gov. Wyatt, that it was declared to be the company's intention—"after the government of the said colony was well framed and settled, to provide that no order of Quarter Court in England should bind the colonists until ratified by their own General Assembly in the colony." The non-fulfillment of this assurance was a source of dissatisfaction with the rulers as well as the people. The colonial government accordingly made and enforced its laws, and regulated all local affairs, without waiting for a ratification of their ordinances or enactments by the Great and General Court of the company in England. James and his ministers looked with jealousy and apprehension upon these symptoms of increasing strength and independence. The meetings of the company and council in London had also become scenes of political discussion, where the advocates of protestant freedom and the defenders of the royal and church prerogatives were frequently at issue. Attempts were made to check the latitude of these debates in both branches of the corporation, and to bring them back again to their original state of subjection by a change of officers. Whatever may have been the result of this interference under the immediate eye of the crown, it had the effect in Virginia to link the colonists more firmly to each other. Finding his efforts to stifle the growth of liberal opinions unavailing, James at length had recourse to his royal prerogative. In its unjust and arbitrary exercise, he issued a proclamation appointing commissioners to enquire into all the transactions of The London Company from its first organization. The result of this investigation, agreeably with the design with which it was directed, was made the pretext for revoking the charter of the company. The conse-

quence was a dissolution of its incorporation, and an escheat to the sovereign of all the lands, privileges, immunities, and powers, which its patent had conferred. Never was there a more arbitrary display of kingly power, and never a more ill-timed and unfortunate exercise of it. Its injustice reached far into the ramified business, and the social and religious relations of the people, and fell with a crushing weight upon many who might, but for this, have been devoted defenders and supporters of the royal prerogatives. It increased the agitations it aimed to terminate, opened a surer way for the progress of *puritanical sentiments*, and shortened by many years the duration of the crown's supremacy.

Revocation
of the
Patent to
the Lon-
don Com-
pany, 1624.

Its effect in
England.

Although the existence and management of the company, as its directorship was constituted in England, had not been greatly favorable to the rapid advancement of the colony in Virginia: Although its government over the settlers had been in its spirit, and in many of its enactments, rigorous and arbitrary, and had tended rather to their oppression, still its dissolution was in a measure regretted. It was more easy of resistance, and, as we have seen, had been practically deprived of much of its authority; or awed from the exercise of its most odious powers, by the ready and indignant resistance of the burgesses to any unwarrantable infringement of their local colonial rights and interests. But the entire prostration of the corporation, and the assumption of direct and absolute control over the colony by the crown, seemed at first a fatal blow to many of the institutions of government and association which had grown up among the people of Virginia. Yet it is interesting to observe at this point in their history, how in the natural course of things the political elements of freedom were here developed and grew. While but a handful of feeble adventurers, the planters in America readily yielded to the control of a company of which they were nominally members,

Its effect in
Virginia.

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VIRGINIA.

Commissioners for Virginia, appointed by James I.

and on whose supplies and protection their very existence depended. But as they advanced in numbers, in strength, and in the resources of self-dependence, they repudiated its powers, or virtually disregarded its instructions and ordinances. At this crisis the crown steps in to claim its prerogatives of domain and sovereignty. But they had developed principles of organization, and founded institutions of government among themselves, which were essentially hostile to those prerogatives, and against which it was hazardous for the crown openly to war.

The dissolution of the company, however, produced no immediate or material change in the government or legislation of the colonists. James by a special commission appointed a council similar to that which was created under the third charter to the company, called The King's Council for Virginia. This council consisted of twelve persons, who were appointed to take direction of the affairs of the company in the colony, until such time as the crown could find leisure to frame an appropriate and permanent code for its government. These commissioners attempted to procure from the General Assembly of Virginia an address to the King acknowledging their acquiescence in the revocation of the patent to the London company. But they refused to do anything more than to express their satisfaction that his majesty had taken the concerns of the colony under his special care; while they entreated that he "would graciously continue to them their present form of government, and would also permit their governor and assembly to direct the operations of such military forces as might be placed among them."

How received by the Colonists.

Death of James I., 1625.

We need not stay to speculate upon the probable consequences which might have resulted to the colonists from the ordinances which James' wisdom and sagacity might have seen fit to devise. Death, the haughty leveller of all human projects and aspirations,

withdrew him from this scene of life. Yet it is neither idle nor unprofitable speculation, to note the changes which were consequent upon the interruption of his plans. The transfer of the powers and position of sovereignty, even under the ordinary and peaceful process of legitimate succession, has often changed the aspect, or been decisive of the fate, of kingdoms and of empires. To an empire like Great Britain, at a period in her history so fruitful of adventure; so rife with intelligent enterprise; so agitated by religious enthusiasm; so pregnant with the freedom of opinion and freedom of discussion generated in the church and in the state, in parliament and among the people, by the protestantism of the reformation, such a change was signally momentous and eventful. James I. had been a sovereign over Scotland for forty-nine years, twenty-one of which had included the more magnificent empire of the United Kingdoms of England and Wales, France and Ireland. To this he had added the foundation of a new empire in America, which was of itself well worthy the most careful consideration of the crown. The one in the old world, and the other in the new, the future of both was henceforth to be coloured and shaped by the experience, the character, and the capacity of his successor. But for the fortunate results to mankind which we now know, would it not seem strange that in the economy of the all-seeing God such a splendid heritage of power should have fallen to a prince so inexperienced, so arrogant, and so prodigal, as his son and successor?

Effect of
the death
of James I.

The succe-
sion of
Charles I.,
1625.

Charles I. ascended the throne at the early age of twenty-five years. He had been educated to entertain high notions of the royal prerogatives, and "though he was virtuous in his domestic and private life, in relation to his kingdom, he disregarded justice and the rights of the people, as much as if he had been wicked and tyrannical."* He adopted the maxims of his father, not only in relation to his home administration, but also with

* Bissett's
England.

PART I.

VIRGINIA.

After the dissolution of the London Company. reference to the colonies in America. Instead of regarding them as in any sense the creatures or property of the London or Plymouth companies, he declared that they were a part of the empire annexed to his crown, and subject to his sole will and sovereign control. The

Colonial policy of Charles I.

council appointed by James I. with Sir George Yeardley as governor, and a secretary, were appointed to superintend and direct the affairs of the American colonies, conforming themselves to whatever instructions they should from time to time receive from the crown. They were also directed to take the property of the late London company and apply it to general use. It was not a part of the provisions directed by Charles, nor was it his intention, to continue the general assembly as already constituted, or to allow the people to participate in the government or legislation of the colony. All municipal powers were vested exclusively in the president and council. It was further a part of his system that offenders should be transported to England, to be tried and punished for crimes charged against them, or committed in the colony. The oppressive nature of these provisions was not felt during the mild and liberal administration of governor Yeardley; nor can I find any warrant in the colonial records for saying that they were generally enforced by the crown or council. There seems to have been in fact, no interruption of the regular meetings of the general assembly, and, from aught that appears, they were conducted under the same form, and in the same manner, as during the existence of the London company's dominion and charter.

Governor Yeardley succeeded by Sir John Pott, 1629.

General Assembly of the Colony.

Upon the death of Sir George Yeardley the colonial government passed into the hands of Sir John Pott, under whose administration there was a regular session of the general assembly in October, 1629, of which the burgesses formed a part. There were twenty-three boroughs or plantations represented in this assembly; some of them sending two, some

four, and some as many as six representatives; while “for the Easterne Shore noe burgesses did appear.”* After the dissolution of the London Company. It seems to have been left to the option, or discretion, of each plantation to decide, from time to time, upon the number to be sent. The oaths of supremacy and allégiance were administered to the governor and council, and then to all of the burgesses. This was done generally at each session of the general assembly during the reign of Charles I. The legislative acts of this session were but few and related almost entirely to their aggressive conflicts with the Indians. The several commanders of plantations were ordered “to levy a partie of men out of the inhabitants of that place, so many as may well be spared without too much weakening of the plantations, and to imploy those men against the Indians when they shall assault us neere unto our habitations, or when they in their discretion shall deeme it convenient to cleare the woods and the parts neere adjoining when the Indians shall be a hunting, or when they have any certain knowledge of the Indians abroad in those places.” Three several expeditions were planned for this purpose. It being questioned also in this assembly, whether “new-comers shall be restrained from planting tobacco the first year and they to be exempted from all taxes and marches for that year. The major part would have no restraint made to new-comers.” The planting of tobacco was generally “limited this year to so many pounds a head or per poll, to be increased by permission from the governor at his discretion.” The burgesses were empowered to enforce the collection of taxes by distress and sale, and to be fined by the governor in case of their neglect to do so. Provision was also made for the erection of fortifications, and the repairing of churches.

* Hen-
ning's
Statutes
at Large.

Legislation
of the As-
sembly of
Oct. 1629.

The most remarkable proceeding in the colony at about this time was the trial of his excellency, Sir John Pott, M. D., for stealing. Sir John Harvey had succeeded him in the office of governor, and from the

After the
dissolution
of the Lon-
don Com-
pany.

minutes of the judicial proceedings of the governor and council, dated July ninth, 1630, it seems that "Dr. John Pott, late governor, indicted, arraigned and found guilty of stealing cattle; 13 jurors 3 whereof councilors,—this day wholly spent in pleading; next day, in unnecessary disputation: Pott endeavouring to prove Mr. Kingswell (one of the witnesses against him) an hypocrite, by a story of Gusman of Alfrach the rogue. In regard to his quality and practice judgment respited till the King's pleasure known; and all the council became his security."*

* I. Hen-
ning.

General
aspect of
the Colo-
nial Ad-
ministra-
tion.

There was evidently something reformatory in the chief administration of the colony after it came under the immediate supervision of the crown, as well as in the submission of the colonists to its arbitrary exercise of power. The governors assumed more the position and prerogatives of royalty than they did, or probably dared to, when they received their commissions from the London company; while the people seemed more in awe of the King's vicegerent than they formerly were of the company's agent. This may be attributed in part to the more splendid appliances, the provisions for residence, and regalia of office which were the accompaniments of the royal gubernatorial commissions. And the like exhibition of lordly pre-eminence may be discovered in the members of the council from the simple record of proceedings in the trial of Sir John Pott. Out of respect to his quality they ventured not to punish him "without knowing the King's pleasure, and all the council became his security."

Virginia
becomes a
Royal
Colony.

The fact is, and it is important to be observed, Virginia from a subordinate trading establishment had become a royal colony. Springing into being under the auspices of a company whose operations had reference to a country newly discovered, not yet explored, and whose riches and extent were not even dreamed of, it was at first brought under a charter whose pro-

visions were mostly applicable to a mere commercial adventure. A further knowledge of the territory lying along its coast, and the Islands in its interior and adjacent waters, prompted more liberal and extensive provisions for its settlement under a second and separate charter to the proprietors of the company. The still more astounding development of its capacities, its bays, its rivers, its soil, its population and productions, which followed this charter, made it an object of more enlarged enterprise and ambition, and secured for it a proprietary government under a third charter, accompanied with all the paraphernalia and the appliances of an effective political organization. Having accomplished the purposes of commercial enterprise and political adventure, and made its vast regions capable of becoming permanently tributary to the revenues of a crown and the glory of a mighty empire, it becomes the acknowledged offspring, and is made the special care of royalty.

Virginia a
Royal
Colony.

Being thus made a royal colony, her chief officers assumed all the pomp, the circumstance and the insignia of royalty. The salary of the governor was fixed by an allowance from the crown. He was provided with a body of attendants consisting of "five or six sufficient men," who were maintained "on purpose" to wait on his person, and to do his bidding. The members of the state council, also, receiving their commissions directly from the crown, and feeling that they were but another peerage, adopted a loftier bearing, and a more sumptuous style of living; while the burghesses were not unaffected by a like pride of place and association. Hence the colony of Virginia early became, in its essential characteristics and appliances of government, a miniature exhibition of the monarchical elements in the constitution of the mother country. Year after year she avowed by her acts the supremacy of the crown, recognized the authority of the established church, and submitted to the jurisdiction of parlia-

The royalty of her administration.

Her monarchical features.

PART I.

VIRGINIA,

Virginia a
Royal Colo-
ny, 1625
to 1651.

* Bissett's
England,
vol. 1.

The con-
servative
element in
her politi-
cal organ-
ism.

Re-district-
ing of the
Colony,
1634.

Shire or
County
Courts.

Sir John
Harvey
Governor.

ment, shadowing forth no principles which would probably have led to a separation from the parent state, had she never been affected by the spirit which planted and reared the northern or New England colonies. The latter "within a few years of their plantation manifested the same spirit, and vindicated the same rights, which a century and a half afterwards produced a refusal of British taxation, and independence on the British crown."*

There was one feature, however, in the organization of the government in Virginia, which kept it near to the people and always conserved their rights and freedom. That was, the representative branch of her general assembly, which was now too well established as an organic element of administration ever to be disturbed with impunity. Indeed the guarantee of her future freedom consisted mainly in the fact that she regarded her general assembly as her parliament, and the powers which parliament claimed to exercise in England she claimed to exercise through her legislature in the colony.

In the year 1634 the whole colony was distributed off into eight shires, "to be governed as the Shires in England." The names of the shires were, *James-Citty*, *Henrico*, *Charles-Citty*, *Elizabeth-Citty*, *Warwick-River*, *Warrosquoyke*, *Charles-River*, and *Accomack*:

Lieutenants were appointed in each shire the same "as in England, and in a more special manner to take "care of the war with the Indians: And as in England, "*shireiffs* shall be elected to have the same power as "there; and *sergeants*, and *bailiffs*, where need requires. "Commissioners, instead of £5 causes, may determine "£10 causes: And one of the council to have notice "and assist in each court of shire."

Sir John Harvey, at this time the royal governor of Virginia, was a man of a rapacious and tyrannical spirit, who ruled over the colony with the overbearing "insolence of office;" and in the oppressive exercise of

his princely prerogatives of power. He invaded the right of property and embarrassed the trade of the colony by arbitrary restrictions imposed in the shape of proclamations. For several years, out of respect to his commission, they submitted to his administration; but their loyalty being taxed beyond the limit of endurance he was at length "thrust out of his government." "On the petition of many inhabitants, an assembly was called to meet on the seventh of May" following, "to receive complaints against him." The result was that he was convicted of mal-administration, sent a prisoner to England; and "Capt. John West was appointed to act as governor until the King's pleasure be known."

Virginia a Royal Colony, 1625 to 1651.

His administration.

Deposed April 28, 1635.

Capt. John West made Governor.

So summary and independent a method of redressing their grievances, was revolting to Charles' ideas of the homage and submission which were due from his subjects. He regarded it as a dangerous act of rebellion, and Sir John Harvey was sent back to resume his administration, with powers less limited and enlarged prerogatives.

Sir John Harvey re-instated by the King.

We are now approaching a period in the history of the mother country when the more active development of the political elements of freedom embraced in the protestantism of the reformation, interested and agitated all classes and conditions of men. The more zealous of the Puritans had planted a colony on the inclement shores of New England, which had become at once a permanent and flourishing settlement, while their sentiments were attracting the attention of aspirants after power and preferment, both in the church and state at home. I shall have occasion more fully to refer to this condition of things in the parent kingdom, when I come to the Second Part of this work. Suffice it here to say, that the strifes it originated enhanced the domestic troubles which now seemed to be gathering around Charles I., leaving him but little leisure to interest himself in the administration of affairs either in Virginia or New England. It made him also appre-

Progress of Protestantism in England.

See PART II.

Its effect upon the colonial policy of the Crown

PART I.

VIRGINIA,

Virginia a
Royal Colo-
ny, 1625
to 1651.

Sir Wil-
liam Berke-
ley appoin-
ted Gov-
ernor,
1640.

hensive lest the grievances complained of in America might reach the ear of parliament and the nation, and thus increase the discontent and hostility which his home-administration had already generated. He accordingly adopted a more lenient policy, and appointed Sir William Berkeley, a man of superior worth and endowments, of mild and engaging manners, governor of Virginia. The new governor was directed to proclaim that in all its concerns the colony should be governed according to the laws of England. He was also authorized to continue the general assembly, and to erect and establish courts of justice where not already established, or wherever needed or desired. His commission was simply a confirmation of the existing organization of the colonial government.

Attempt
of the
London
Co. to re-
vive its
Charter,
1642.

It had been usual for the colony of Virginia, from the time of the dissolution of the London company, to have an agent resident in London, near the royal court, to represent its interests and look after its commercial as well as its diplomatic affairs. An effort was made at this period, by the proprietors of the late company, through the medium of this agency, to revive the charters of James I. and restore the colony of Virginia to the proprietorship of the first corporation. This drew from the grand assembly of the colony a very interesting and important document in the shape of a remonstrance, which was sent to the crown, and here becomes a material part of our governmental history. I set it forth entire; it was entitled—

Remon-
strance
against the
London
Company,
1642.

“The Declaration against the company, to be entered as the Twenty-First Act.

“To all christian people to whom these presents shall come to be read, heard, or understood. We, the governor, council and burgesses of the grand assembly in Virginia, send greeting; IN OUR LORD GOD EVERLASTING:

Preamble.

WHEREAS George Sandis, Esq., being appointed agent for the colony by an assembly 1639, hath exhibited a petition, in the name of the adventurers and planters

in Virginia, to the Honorable House of Commons in parliament in England, for the restoring of the letters patts of incorporation to the late Treasurer and Company—mistaking his advice and instructions from the said assembly; for his so doing it being neither the meaning nor intent of the said assembly, or inhabitants here, for to give way for the introducing of the said company, or any other. To which intent and purpose this grand assembly, having fully debated and maturely considered the reasons on both sides, as well arguing for, as against, a company; and looking back into the condition of the times under the company, as also upon the present state of the colony under his majesty's government, they find the late company in their government intolerable, the present comparatively happy, and that the old corporation cannot with any possibility be again introduced without absolute ruin and dissolution to the colony for these reasons following, viz:

Virginia a Royal Colony, 1625 to 1651. Remonstrance, &c., 1642.

Its restoration ruinous to the colony.

“*First.* The intolerable calamity of the colony we find proved by many illegal proceedings, and barbarous torments inflicted upon divers of his majesty's subjects, in the time of the said company's government; all which appear per depositions taken at a grand assembly Anno 1632, and is known to divers now living in the colony.

“Also we find the whole trade of the colony, to the general grievance and complaint of the inhabitants, then and now, appearing to us monopolized by the said company, insomuch that upon the going home of any person for his country it was not free for him to carry with him the fruits of his labour for his own comfort and relief, but was forced to bring it to the magazine of the company, and there to exchange it for useless and unprofitable wares.

Oppressions of the Company.

2dly. The present happiness is exemplified to us by the freedom of yearly assemblies, warranted unto us by his majesty's gracious instructions, and the legal

Advantages of their relations to the Crown.

PART I.

VIRGINIA,

Virginia a
Royal Col-
ony 1625
to 1651.

Remon-
strance,
&c., 1642

Right of
property
how affect-
ed by it.

Distinc-
tions made
between
adventur-
ers.

trial for juries in all criminal and civil causes where it shall be demanded. And above all by his majesty's royal encouragement unto us, upon all occasions, to address ourselves unto him, by our humble petitions, which doth so much distinguish our happiness from that of the former times that private letters to friends were rarely admitted passage.

“*To the Third*, (reason) for introducing the old corporation without ruin and dissolution to the colony at present, as a thing not possible, we conceive we have these just grounds.

“1st. There can be no right or property introduced for them, without proving the illegality of the King's proceeding, so that all grants since, upon such a foundation, must of consequence be void and tending to displeasure. We, the present planters, enjoy our lands by immediate grant from his majesty, if (as it is argued in their petition) the king had no power to grant, our possessions must give place to their claim, which is one invincible argument (as we conceive) of the ruin and dissolution to the colony at present. When, if their pretences take place, we must be ousted of all.

“*And whereas* it is alledged that the charter of orders from the Treasurer and Company, Anno 1618, gives us claim and right, to be members of the corporation *quatenus* planters; we find the company by the said charter, where members being planters and adventurers are considered by themselves, and distinguished in privileges from planters and adventurers not being members; and we further find ourselves (being the king's grantees) in the said charter condemned, the clause plainly pronouncing in these words—(we do ordaine that all such persons that of their own voluntary will and authority shall remove into Virginia, without any grant from us in a great and General Quarter Court, in writing under our seals, shall be deemed, as they are, occupiers of *our* land, that is to say of the common land of us the said Treasurer and

Company;) much more such grantees as have their right from an erroneous judgment, as they pretend.

Virginia a
Royal Col-
ony, 1625
to 1651.

2dly. That if the company be renewed, by which means they, as aforesaid, have leave and the strength of their own charter of orders, publicly in this colony to displant us; the wiser world we hope will excuse us if we be wary to part with what (next our lives) nearest concerns us, (which are our estates, being the livelihood of ourselves, wives and children,) to the curtesy and will of such task-masters from whom we have already experimented so much oppression.

Remon-
strance,
&c., 1642.

3dly. We may not admit of so unnatural a distance as a company will interpose between his sacred majesty and us, his subjects, from whose immediate protection we have received so many royal favors and gracious blessings. For by such admission

Upon their
relations
with the
Crown.

1st. We shall degenerate from the condition of our birth, being naturalized under a *monarchical* government, and not a *popular and tumultuary* government, depending upon the greatest number of votes of persons of several humors and dispositions, as this of a company must be granted to be; from whose general quarter courts all laws binding the planters here, did and would issue.

“2dly. We cannot, without breach of natural duty and religion, give up and resign the lands which we had granted, and hold, from the king, upon certain annual rents (fitter as we humbly conceive, if his majesty shall so please, for a branch of his own royal stem, than for a company) to the claim of a corporation; for besides our births, our possessions enjoin us as a fealty without a *salva fide aliis dominis*.

Effect
upon the
tenure of
lands.

“We conceive by admission to a company, the freedom of our trade (which is the blood and life of a commonwealth) is impeached; for they who with most secret reservation, and most subtilty argue for a company, tho’ they pretend to submit the government to the king, yet they preserve to the corporation propriety

Its effect
upon
trade.

PART I.

VIRGINIA,

Virginia a Royal Colony, 1625 to 1651. Remonstrance, &c., 1642.

to the land, and power of manageing the trade, which word manageing, in any sense taken, we can no ways interpret, than a convertible to monopolizing, for whether in this sense, that all the commodities raised in the colony shall be parted with, exchanged, or vended at such rates and prizes as they shall set down; or such wares and merchandizes as they shall import, or be disposed into their magazine, or such bottoms as shall from time to time be licensed or ordered by them; or whether in this sense, that the planters, (may part with) only such commodities and in such proportions as by advice and determination of their quarter courts shall be directed, still the terms and conditions of the planters are subjected to a monopoly that is to their sole guidance, governing and manageing; with what reason we leave to the world to judge: For though we submit in depth of judgment and understanding to such as shall sit at the helm there; yet it is very possible, and indeed most probable, that at this distance wise men may mistake; and there is more likelihood that such as are acquainted with the clime and the accidents thereof, may, upon better grounds, prescribe our advantages, both for quantity and quality of commodities; which by the bounty of his majesty we now enjoy by our grand assembly; and in any other way will be destructive unto us according to our possession."

Its effect upon trade.

And Colonial freedom.

Govern-ment of the Colony how affected by it.

"Though we admit the pretence that the government shall be made good to the king, that is, that the king shall nominate and appoint the governor—*First*, we find it directly besides the scope of the part which insists upon restoring the company in all formalities; *Next*, we take it at best for a falacie and trap not of capacity enough to catch men with eyes and foresight; for upon a supposition that a governor shall be named and appointed by his majesty, yet his dependence (so far forth as continuing or displacing) will, by reason of their power and interest in great men there, rest in them; which necessarily brings with it conformity to

their wills in whatsoever shall be commanded, which how pernicious it will be to the colony, according to our assertion in this head, we leave to the ablest judgments.

“ *We, the Governor, Council and Burgesses* of this present grand assembly, having taken into serious consideration these, and many other dangerous effects, which must be concomitent in and from a company or corporation, have thought fit to *declare, and hereby do declare*, from ourselves and all the commonalty of this colony, that it was never designed, sought after, or endeavored to be sought for, either directly or indirectly, by the consent of any grand assembly, or the common consent of the people: And we do hereby further declare and testifie to all the world, that we will never admit the restoring of the said company, or any for or in their behalfs, saving to ourselves herein a most faithful and loyal obedience to his sacred majesty, our dread sovereigne, whose royal and gracious protection, and allowance, and maintenance of this our just declaration and protestation, we doubt not, according to his accustomed clemency and benignity to his subjects, to find.

“ *And we do further enact, and be it hereby enacted and manifested per authority aforesaid*, that what person or persons soever either is, or hereafter shall, by any way or means, either directly or indirectly, to sue for, advise, assist, abet, countenance, or contrive the reducing of this colony to a company or corporation, or to introduce a contract or monopoly upon our persons, lands or commodities, upon due proof or conviction of any of the premises (to wit) by going about by any way or means to sue for, advise, assist, abet, countenance or contrive, the reducing this colony to a company or corporation; or to introduce a contract or monopoly as aforesaid; upon due conviction as aforesaid shall be held and deemed an enemy to the colony and shall forfeit his or their whole estate, or estates, that

Virginia a
Royal
Colony
1625-51.

Restora-
tion of the
Company
not desir-
ed.

Penalty for
advocating
its restora-
tion.

PART I.

VIRGINIA,

Virginia a shall be found within the limits of the colony, the one-
 Royal half shall become to public uses, the other moiety or
 Colony half to the informer. This act to be in force, and the
 1625-51. penalty therein contained, to extend to all the adven-
 Force and turers and planters now residing in the colony, upon
 extent of the Act. the publication at James Citty : and to all adventurers
 and planters now in England or elsewhere out of the
 limits of the colony, within five days after the arrival
 of this our said declaration, protestation and act, with-
 in the kingdom of England : Signed under our hands,
 and sealed with our seal of the colony, at James Citty,
 the first day of April, in the year of our Lord 1642,
 and in the eighteenth year of the reign of our sove-
 raine Lord Charles over England, &c.

This act
 not to
 terminate
 the Assem-
 bly.

Continu-
 ance and
 adjourn-
 ment.

“*The Governor, Councel and Burgesses* of this pres-
 ent grand assembly, taking into serious consideration
 the many and weighty business begun in this present
 grand assembly, and which yet do remain unfinished,
 and to prevent all doubts whether the passing of the
 acts already agreed upon will not be a determination
 of this assembly, *do hereby enact, and by the authority
 of this present grand assembly, be it enacted*, that not-
 withstanding the passing and enacting of divers acts
 already agreed upon, this present assembly shall not be
 determined, but that it be adjourned to the Thursday in
 Whitsun-week, being the second day of June next com-
 ing, at which time and day the whole body of this pres-
 ent assembly, consisting of the governor, council and
 burgesses, shall repair to James Citty, then and there
 to determine and finish all such matters as shall be
 found necessary to be concluded and enacted whether
 in matters already begun, or other business that shall
 then begin, or be proposed, that may redound to the
 glory of God, the honor of his majesty, and the good
 of the colony. GOD SAVE THE KING.

(Signed) WILLIAM BERKELEY, ETC.”

This able state paper which was signed by governor Berkeley, the members of the council, and the house of

burgesses, gives a very clear idea of the growth and prosperity of Virginia after she became a royal colony. A summary of the subsequent action of the assembly was published in the shape of a proclamation, which forms an interesting record in her governmental history. It was the first time in her colonial experience that the session had been continued by a special adjournment. And the proclamation to which I refer was prompted by a desire on the part of the grand assembly to excuse themselves to the people, as well as to forestall any complaint which might be made against such a protracted session. It was stiled *A remonstrance of the grand assembly*, and proceeded as follows:

“Whereas the natural and most wished effects of assemblies may summarily be comprehended in the ordering and enacting of good and wholesome laws, and ratifying; and relieving of such disorders and grievances which are incident to all states and republics, in which considerations this assembly may seem to have declined and swerved from those true intents of so happy constitutions, if their endeavors and declarations be apprehended either by a bare view of the laws, few in number, and therefore not answering the expectation of a meeting exceeding customary limits of time in this place used, or by comparing the payments and levies now imposed much more free, in respect that in them the grievance of the inhabitants were principally stated,

“It is therefore thought fit by them, *to present and remonstrate to the colony* the weighty consequence and benefits redounding thereto by their late consultations.

First, the first is instanced by repealing the act of four pound per poll yearly to the governor, which is a benefit descending unto us and our posterity, which we acknowledge contributed to us by our present governor.

Next, by abolishing condemnations and censures (presidential from the time of the corporation) of the

Virginia a
Royal
Colony,
1625-51.

Address
of the As-
sembly to
the people,
1642.

Acts and
aims of the
Assembly.

PART I.

VIRGINIA.

Virginia a Royal Colony, 1625-51. inhabitants from colonie's service ; wherein we may not likewise silence the bounty of our present governor in preferring the public freedom before his particular profit ; in which act also we may pronounce the inhabitants absolutely to have recorded the birth-right of their mother nation ; and the remains of the late company's oppression to be quite extinguished.

Address of the Assembly to the people, 1642.

3dly. The near approach which we have made to the laws and customs of England in proceedings of the Court, and trials of causes.

4thly. The rules and formes set down for deciding of differences and debates concerning titles of land, and otherwise.

5thly. The appropriating and accommodating of parishes with metes and bounds that God Almighty may be more duly served.

6thly. The treaties and overtures with the governor of the province of Mariland,* requiring much time for maturing ; and very successful in opening a trade in the bay of chessepiake.

7thly. The settling of peace with friendship with the Indians, by mutual capitulation, and articles agreed and concluded on in writing ; by many messages and interruptions lengthened.

Acts and aims of the Assembly.

8thly. The common grievances relieved and removed, in asseasments, proportioning in some measure payments to men's abilities ; and estates augmented unto the wealthier sort by the number of the milk kine ; and in that relief afforded to the poorer sort of the inhabitants ; which cause, thro' strangeness thereof, could not but require much time of controverting and debating.

9thly. Lastly, the gracious inclination of his majesty, ever ready to our protection, and now more particularly assured to us, together with the concurrence of a happy parliament in England, were the greater motives to us to take the opportunity of establishing our liberties and privileges, and settling our estates, often

heretofore assaulted and threatened, and very lately ^{Virginia a} invaded by the late corporation; and of preventing ^{Royal} the future designs of monopolizers, contractors, and ^{Colony,} pre-emptors, ever hitherto incessant upon us, not only ^{1625-51.} bereaving us of all cheerfulness and alacrity, but usurping the benefit and disposition of our labours; And we apprehended no time could be misspent, or labour misplaced, in gaining a firm peace to ourselves and posterity, and a future immunity and ease from taxes and impositions; which we expect to be the fruits of our endeavors, and to which end we have thought it seasonable for us liberally and freely to open our purses, not doubting but all well affected persons will, with all zeal and good affection embrace the purchase, and pray to Almighty God for the success.—Given at a grand assembly, at James Citty, the 1st of July, 1642.

(Signed) WILLIAM BERKELEY, (Gov.)

It is difficult to understand the allusion, in the closing part of this proclamation, to “the concurrence of a happy parliament in England with the gracious inclinations of his majesty.” The fact is well authenticated in history, that, in this same year, Charles I. became involved in a controversy with parliament, which was the commencement of a civil war, which ended in bringing his neck beneath the axe of the executioner. This condition of things in the parent state, however, did not so materially concern the colony of Virginia, as it did the colonies of New England. The political organization and characteristics of the former, and all the sympathies and inclinations of its inhabitants, were so akin to royalty, that they were proud to proclaim themselves the *birth-right* of the crown. They took no part in the controversies which now agitated the parent nation, while they were careful to keep themselves true in their loyalty and relations to its sovereignty. As long as the action of parliament did not infringe upon the

The Address.

See Part II.

PART I.

VIRGINIA,

Virginia a powers, or jurisdiction, which they claimed for their
 Royal own grand assembly, they left it for those more
 Colony, directly interested in its proceedings to question, or
 1625-51. to war with, its enactments. The majestic coolness
 with which the people contemplated the commo-
 tions in the mother country is well illustrated by an
 act passed by the assembly while the civil war was at
 its heighth, and which is otherwise important. It
 recites:

Provision
 for the
 Governor
 by the
 Colonial
 Assembly,
 March,
 1643.

ACT LXXIII. "*Whereas*, through the unkind differ-
 ence now in England, it may with great reason be
 assured to the most scrupulous, that the severall pen-
 sion and allowance from his majestie to the governour
 of this place, is for this present withdrawn and sus-
 pended; and that therefore, for the sustentation and
 support of the honor of this place of gov'r, an accom-
 modation from the plantation in clear and absolute
 terms of necessity, is required and enforced; Yet,
 nevertheless, this present grand assembly together,
 with an eye to the honor of the place, having alsoe
 entered into a deep sense and consideration of the duty
 and trust which the publike votes and suffrages have
 cast upon them; under which is comprehended the
 most speciall and binding obligation, the preservation
 of the rights and properties of the people; to which
 this course now intended may seem to threaten vio-
 lence, however rather innovated in the manner and
 circumstance than in value in substance; yet, as well
 for silencing of pretences as for answering of argu-
 ments of weight; It is thought fitt hereby to declare,
 that as from the infancy of the colony there was never
 the like concurrence and pressure of affairs, which
 they likewise hope and pray to Almighty God to (avert)
 from his ma'tie, and his ma'tie's kingdoms; soe they
 have recorded to posterity, with this ensuing presedent
 of accommodation for the governour, that, the afore-
 said instance and motives removed, they will never
 yield or consent to receive the same. This present

This Act
 not to ope-
 rate as a
 precedent.

grand assembly hath heretofore enacted that the present accommodation shall be as followeth, (vizt.) That there be leavied for the said governour's accommodation, for this present year 1643, 2 shillings a head for evry tithable person in the colony, to be paid in provisions as hereafter mentioned, at these rates, vizt.: Indian Corne at 10s. per barrell, 2 barr. of ears to one of corne; Wheat at 4s. per bushell: Beife at 3d. 1-2d. pr. pound. Pork at 4d. per pound. Good henns at 12d. Capons at 1s. 6d. Calves at 6 weeks old, 25s. Butter at 8d. per pound. Good weather goats at 20s. Piggs to roast, at 3 weeks old, at 3s. per pigg. Cheese at 6d. per pound. Geese, Turkeys, and Kidds, at 5s. pr. peece. The provision for corne to be levied out of these counties: Henrico; North'Ton; Eliza Cittie; Lower Norff; Vpper Norff; Yorke, including Peankhetank. These counties to pay the other provision: Charles Cittie; Ja. Cittie; Isle of Wight, and Warwicke.

Virginia a
Royal
Colony,
1625-51.

Provision
for the
Governor
by the
Colonial
Assembly,
1642-3.

“Ffor collecting hereof, *it is hereby enacted* by this grand assembly that upon the governour's notice of the severall county courts, allowing the reasonable time, that they leavie the said severall proportions, alike proportionally as aforesaid in two places in every parish within the several counties respectively; And the sheriff of the severall counties with the assistance of the constables of the limitts, are to give notice to the inhabitants, after the said provision is to be levied, to bring in their severall proportions to the said severall places, by them appointed as aforesaid. And in case of refusall, to distrain upon the estates of such who shall be delinquent in payment, and bringing it to the aforesaid places for satisfaction thereof. And the said sheriffs after such collection are hereby enabled to hire boats and men to bring the same to James Cittie to the governour's. And their severall disbursements and charges therein expended to be putt to account, and

How col-
lected.

PART I.

VIRGINIA,

Virginia a presented to the next general assembly, to be satisfied
 Royal out of the levie."
 Colony,
 1625-51.

(Signed,) WILLIAM BERKELEY.

Military
 impress-
 ment by
 the Gov'r,
 1648.

I find no material change to have taken place in the government or administration of the affairs of the colony during the subsequent years of the reign of Charles I. In the year 1648 the people complained to the general assembly of the powers exercised by the governor and council in pressing soldiers into service without any concurrent action on the part of the burgesses. Whereupon it was declared that such power was thus lawfully exercised. That it was derived to the governor and council under their commissions and instructions from the crown, and that the people "ought humbly to acknowledge his majesty's royal care of his subjects in establishing such a power wherein are naturally placed so many concerns to the peace and safety of all good subjects, many accidents not admitting delay of time nor those slow motions of great counsells."*

* 1. Hen-
 ning's Stat-
 utes, 355.

Execution
 of Charles
 I., and es-
 tablish-
 ment of
 "The
 Common-
 wealth."

Charles I. was executed on the thirtieth day of January, 1649, when parliament assumed and exercised the powers of government under "The Commonwealth." They were shortly after wrested from it by Oliver Cromwell, who established the same under his own protectorate. The political effect of this change of affairs in the mother country, so far as it concerned the colonies in America, was, to raise a question as to the powers of the governor and council, and of all other officers appointed by them under their commissions from the crown. It was eagerly claimed in New England that the abolition of the regal power in the parent state necessarily extinguished all offices and powers created under its prerogatives in America. Virginia was too much of a royal colony, and too loyal to the rights of monarchy, to permit the discussion. At the first meeting of her grand assembly after she had heard of the fate of her acknowledged sovereign,

See Part II.

she was careful by her very first enactment to let the world know her opinions and position. It is but justice to her and to the truth of history to give her declarations in her own words. She enacted :

“ACT I. *Whereas*, divers out of ignorance ; others out of malice, schism, and faction, in pursuance of some design of innovation ; may be presumed to prepare men’s minds and inclinations to entertaine a good liking of their contrivement, by casting blemishes of dishonor upon the late most excellent, and now undoubtedly sainted king ; and to those close ends vindicating and attesting the late proceedings against the said blessed king, (though by so much as they may seem to have color of law, and form of justice, they may be truly and really said to have the more and greater height of impudence) : And upon this foundation of asserting the clearness and legality of the said unparalleled treasons perpetrated on the said king, to build hopes and inferences to the high dishonor of the royal estate, and in truth to the utter disinherison of his sacred majesty that now is,* and the divesting him of those rights, which the law of nature and nations, and the known laws of the kingdom of England, have adjudged inherent to his royal line ; and the *Law of God Himself* (if sacred writ may be so stiled, which this age doth loudly call in question) hath consecrated unto him ; And, as arguments easily and naturally deduced from the aforesaid cursed and destructive principles, with much endeavor they press and persuade the power of the commission to be void and null, and all magistracy and office thereon depending to have lost their rigour and efficacy, by such means assuredly expecting advantages for the accomplishment of their lawless and tyrannous intentions.

“*Be it therefore declared and enacted, and it is hereby enacted, by the Governor, Council and Burgesses, and the authority of the same, That what person soever,*

Virginia
a Royal
Colony,
1625-51.

Proceed-
ings of the
Grand
Assembly,
Oct., 1649.

Preamble
to the
First Act.

Loyalty to
Charles I.

* Charles
II.

Defending
the execu-
tion of
Charles I.
treason.

PART I.

VIRGINIA,

Virginia
a Royal
Colony,
1625-51.

whether stranger or inhabitant of this colony, after the date of this act, by reasoning, discourse, or argument, shall go about to defend or maintain the late traitorous proceedings against the aforesaid king of most happy memory, under any notion of law and justice, such person using reasoning, discourse, or argument, or uttering any words or speeches to such purpose or effect, and being proved by competent witness, shall be adjudged *accessory post factum* to the death of the aforesaid king, and shall be proceeded against for the same according to the known laws of England:

Defaming
the late
King, how
punished.

“Or whoever shall go about, by irreverent or scandalous words or language, to blast the memory and honor of that late most pious king (deserving ever altars and monuments in the hearts of all good men) shall, upon conviction, suffer such censure and punishment as shall be thought fit by the governor and council.

To doubt
the right
of Charles
II. to the
succession,
high treason.

“*And be it further enacted*, That what person soever shall, by words or speeches, endeavor to insinuate any doubt, scruple, or question, of or concerning the undoubted and inherent right of his majesty, that now is, to the colony of Virginia, and all other his majesty's dominions and countries, as king and supreme governor, such words and speeches shall be adjudged High Treason.

To propose
a change
of Govern-
ment, high
treason.

“*And it is also enacted*, That what person soever, by false reports and malicious rumors, shall spread abroad among the people, any thing tending to change of government, or the lessening the power and authority of the governor or government, either in civil or ecclesiastical causes, (which this assembly hath and doth declare to be full and pleanarie to all intents and purposes,) such persons not onely the authors of such reports and rumors, but the reporters and divulgers thereof (unless it be done by way of legal information before a magistrate,) shall be adjudged equally guilty; and shall suffer such punishment even to severity as

shall be thought fitt, according to the nature and quality of the offence.”*

These proceedings on the part of the colony of Virginia, were met by an ordinance of parliament wherein it was declared, “that the colonies of America were, and ought to be, subordinate to, and dependent on, the Commonwealth of England, and subject to such laws and regulations as were, or should be, made by parliament—that in Virginia, and other places,* the powers of government had been usurped by persons who had set themselves up in opposition to the Commonwealth.”

* 1. Henning's Statutes, 360.

* Maryland. See PART III.

They were therefore denounced as rebels and traitors, and all foreign vessels were forbidden to enter any of her ports. Commissioners were sent over with a fleet to enforce submission to the ruling administration in England. This convoy arrived at the mouth of the Chesapeake Bay early in the year 1651, where they were met by a large number of the people headed by Governor Berkeley, who offered a stout resistance to their entrance into the bay. They were eventually obliged, however, to yield to the superior force of the fleet of the commissioners and an amnesty was arranged. The colonial government at length surrendered, and the royal colony of Virginia agreed to remain thenceforth “in due obedience and subjection to the common-wealth of England,” under the following compact, viz:

Commissioners of Parliament sent to Virginia.

She submits to the Commonwealth.

“ARTICLES AT THE SURRENDER OF THE COUNTRY.

Articles agreed on and concluded at James Cittie in Virginia for the surrendering and settling of that plantation under the obedience of the Common-Wealth of England, by the commissioners of the Councell of State, by authoritie of the Parliament of England and by the Grand Assemblie of the Governour, Councell and Burgesses of that countrey.

Articles of Surrender, 1651.

FIRST. It is agreed and cons'ted that the plantation of Virginia, and all the inhabitants thereof, shall be and remaine in due obedience and subjection to the

The submission.

PART I.

VIRGINIA,

Articles of Surrender, 1651. commonwealth of England, according to the laws there established: And that this submission and subscription

be acknowledged a voluntary act, not forced nor constrained by a conquest upon the countrey, And that they shall have and enjoy such freedoms and privelidges as belong to the free-borne people of England; and that the former government by the commissions and instructions be void and null.

Powers of the Grand Assembly.

2dly. Secondly, that the grand assembly, as formerly, shall convene and transact the affairs of Virginia, wherein nothing is to be acted or done contrarie to the government of the commonwealth of England, and the lawes there established.

Pardon of past offences.

3dly. That there shall be a full and totall remission and indemnitie of all acts, words, or writings, done or spoken, against the parliament of England in relation to the same.

Limits of the Colony.

4thly. That Virginia shall have and enjoy the antient bounds and lymitts granted by the charters of the former kings; And that we shall seek a new charter from the parliament to that purpose against any that have intrenched upon the rights thereof.

Confirmation of Patents.

5thly. That all the pattents of land granted under the collony seale, by any of the precedent governours, shall be and remaine in their full force and strength.

Privilege of 50 acres.

6thly. That the priviledge of haveing fiftie acres of land for every person transported in the colony shall continue as formerly granted.

Free trade.

7thly. That the people of Virginia have free trade as the people of England do enjoy, to all places and with all nations according to the laws of that commonwealth; And that Virginia shall enjoy all priviledges equall with any English plantations in America.

Taxes.

8thly. That Virginia shall be free from all taxes, customs, and impositions whatsoever, and none to be imposed on them without consent of the grand assembly; And soe that neither ffortes nor castles bee erected, or garrisons maintained without their consent.

9thly. That noe charge shall be required from the country in respect of this present fleet. Articles of Surrender, 1651.

10thly. That for the future settlement of the country in their due obedience, the engagement shall be tendered to all the inhabitants according to act of parliament made to that purpose, that all persons who shall refuse to subscribe the said engagement, shall have a yeare's time if they please to remove themselves and their estates out of Virginia, and in the mean time during the said yeare to have equall justice as formerly. Engagement of obedience.

11thly. That the use of the booke of common prayer shall be permitted for one yeare ensuing with reference to the consent of the major part of the parishes Book of Common Prayer. *Provided* that those things which relate to kingshipp or that government, be not used publicly: And the continuance of ministers in their places, they not mis-demeaning themselves; And the payment of their accustomed dues, and agreements made with them respectively, shall be left as they now stand dureing this ensuing yeare. Ministers.

12thly. That no man's cattell shall be questioned as the companies, unles such as have been entrusted with them or have disposed of them without order. Cattle.

13thly. That all ammunition, powder and arms, other than for private use, shall be delivered up; securitie being given to make satisfaction for it. Arms, &c.

14thly. That all goods alreadie brought hither by the Dutch, or others, which are now on shoar shall be free from surprizall. Goods free from seizure.

15thly. That the quittrents granted unto us by the late kinge for seaven yeares bee confirmed. Quit Rents.

16thly. That the commissioners for the parliament subscribing these articles engage themselves and the honor of the parliament for the full performance thereof: And that the present governour and the councill and the burgesses do likewise subscribe and engage the whole collonie on their parts. Mutual pledge.

RICH: BENNETT, *seal.*
WM. CLAIBORNE, *seal.*
EDMUND CURTIS, *seal.*

PART I.

VIRGINIA

Articles of
Surrender,
1651.

“These articles were signed and sealed by the commissioners of the councill of state for the Commonwealth of England, on the twelfth day of March, 1651.

Articles
with the
Gov. and
Council.

Articles for the Surrendring of Virginia to the Subjection of the Parliament of the Commonwealth of England, agreed upon by the Honorable the Commissioners for the Parliament and the Hon'ble the Governour and Council of State.

Oath of al-
legiance.

FIRST. That neither governour nor councill shall be obliged to take any oath or engagementt to The Commonwealth of England for one whole yeare. And that neither governour nor council be censured for praying for, or speaking well of the king, for one whole year, in their private houses, or neighboring conference.

May speak
well of the
king.

Bearer of
dispatches
to Charles
II.

2dly. That there be one sent home at the present governour's choice to give an accompt to his ma'tie of the surrender of his country, the present governour bearing his charges, that is Sir William Berkeley.

Gov. &c.,
may move
away.

3dly. That the present governour, that is Sir William Berkeley, and the councill, shall have leave to sell and dispose of their estates, and to transporte themselves whether they please.

To have
justice.

4thly. That the governour and councill, though they take not the engagement for one whole yeare shall yet have equal and free justice in all courts of Virginia until the expiration of one whole yeare.

And secu-
rity of
property.

5thly. That all the governour's and councill's land and houses, whatsoever belongeth to them, bee particularly secured and provided for in these articles.

The gov-
ernor's
dues, &c.

6thly. That all debts of the governour's by act of assembly, and all debts due to officers made by the assembly bee perfectly made good to them. And the governour bee paid out of the goods remaining in the countrey of the Dutch ship that went away cleer for Holland without paying his customs.

May leave
for Hol-
land or
England.

7thly. That the governour may have free leave to hire a shipp for England or Holland, to carrie away the

governour's goods, and the council's, and what he or they have to transporte for Holland or England without any let or any molestation of any of the State's ships att sea or in their rivers, or elsewhere, by any of the shippes in the commonwealth of England whatsoever.

8thly. That the captain of the fforte be allowed satisfaction for the building of his house in fforte-island.

9thly. That all persons that are now in this collonie, ^{Exemption from fines.} of what quality or condition soever that have served the king here or in England shall be free from all dangers, punishments or mulct whatsoever, here or elsewhere, and this article, as all other articles, bee in as cleer termes as the learned in the law of arms can express.

10thly. That the same instant that the commissions ^{Act of oblivion, &c.,} are resigned, an act of indempnitie and oblivion be issued out under the hands and seales of the commissioners for the parliament; And that no persons in any courte of justice in Virginia be questioned for their opinions given in any causes determined by them.

11thly. That the governour and councill shall have ^{Passports.} their passes to go away from home in anie shippes in anie time within a yeare; and in case they goe for London, or other place in England, that they, or anie of them, shall bee free from anie trouble or hindrance of arrests or such like in England, and that they may follow their occasions for the space of six months after their arrival.

These articles were signed, sealed, and sworne unto, by us the commissioners for the parliament of the commonwealth of England, the 12th of March, 1651.

RICH: BENNETT, *seale.*
WM. CLAIBORNE, *seale.*
EDMUND CURTIS, *seale.*

Proclamation of the Commissioners of Parliament.

"WHEREAS by the authoritie of the parliament of Eng-
land, we the commissioners appointed by the council ^{Proclamation by the commissioners of parliament} 1651.

Proclamation by the commissioners of parliament 1651.

Act of indemnity and oblivion.

of state, authorized thereto, having brought a fleet and force before James Cittie in Virginia to reduce that collonie under the obedience of the commonwealth of England, and finding force raised by the governour and country to make opposition against the said fleet whereby assured danger appeareinge of the ruine and destruction of the plantation, for prevention whereof the burgesses of all the severall plantations being called to advise and assist therein, vpon long and serious debate, and in sad contemplation of the greates miseries and certaine destruction, which were so nearly hovering over this whole countrey; Wee the said commissioners, have thought fitt and condescended, and granted, to signe and confirme vnder our hands, seales and by our oath, articles bearinge date with theise presents; And do further declare that by the authoritie of the parliament and commonwealth of England, derived vnto us theire commissioners; That, according to the articles in generall, wee have granted an act of indemnitie and oblivion, to all the inhabitants of this collonie, from all words, actions, or writings that have been spoken, acted, or writt, against the parliament or commonwealth of England, or any other person, from the beginning of the world to this daye; And this wee have done, that all the inhabitants of the collonie may live quietly and securely under the commonwealth of England: And wee do promise that the parliament and commonwealth of England shall confirme and make good all those transactions of ours. Witness our hands and seales this 12th day of March, 1651.

RICHARD BENNETT, *seale.*

WM. CLAIBORNE, *seale.*

EDM. CURTIS, *seale.*

Virginia no longer a royal colony.

Thus in a very short time after her spirited avowals of loyalty to the crown, Virginia was brought under allegiance to the Commonwealth: As is intimated in the recital of the foregoing proclamation of indemnity,

it was a virtual subjugation of the colony by the force of superior discipline and appliances, arrayed against her feeble though resolute resistance. It was, however, the last as well as the first direct interference of the Commonwealth with her colonial government. The commissioners appointed by parliament to reduce her to its subjection, soon mingled with the ruling spirits of the colony, and, with them and the burgesses, guided and regulated all its concerns.

The first meeting of the general assembly, after the surrender, was held at James City on the thirtieth day of April, 1652. Thirty-six burgesses, representing eleven counties, were present, when,

“After long and serious debate and advice taken for the settling and governing of Virginia, *it was unanimously voted and concluded*, by the commissioners appointed by authority of parliament, and by all the burgesses of the several counties and plantations respectively, until the further pleasure of the states be known: That Mr. Richard Bennett, Esq., be governour for this ensuing year, or until the next meeting of the assembly, with all the just powers and authorities that may belong to that place lawfully; and likewise that Col. William Clayborne be secretary of state, with all belonging to that office, and is to be next in place to the governour; next that the council of state be as followeth, viz., Capt. John West, Coll. Sam. Matthews, Coll. Nathaniel Littleton, Coll. Argoll Yeardley; Coll. Thos. Pettus; Coll. Humph. Higgison; Coll. George Ludlow; Coll. Wm. Barnett; Capt. Bridges Freeman; Capt. Tho. Harwood; Major Wm. Taylor; Capt. Francis Epps and Leiv’tt. Coll. John Cheeseman; and they shall have power to execute and do, right and equal justice to all the people and inhabitants of this colony, according to such instructions as they have, or shall receive, from the parliament of England, and according to the known laws of England; and the acts of assembly here established: And the said governour,

PART I.

VIRGINIA,

Provisional Colonial Government, 1652.

Powers of the Gov., Secretary, and State Council.

* 1 Henning's Statutes, 371.

County Judges.

Colonial Officers, how eligible.

The people the source of power.

Gov. and Council members of the Assembly.

Oath of Burgesses, etc.

Colonial allegiance.

secretary, and council of state, are to have such power and authorities, and to act from time to time, as by the grand assembly shall be appointed and granted to their several places respectively for the time above said: Of which all the people which inhabit or be in this country, are hereby required to take notice, and accordingly conform themselves thereunto: *God save the commonwealth of England* and this country of Virginia.”*

May 2d, 1652. It is resolved, That the Commissioners of the several counties be chosen by the house, with this proviso, that if any just complaint be proved against any chosen, they shall be suspended the next session of assembly.

May 5th, 1652. It is agreed, and thought best for the government of this country, by the governour, council and burgesses, that the right of election of all officers of this colony be and appertain to the burgesses, *the representatives of the people*; and it is further agreed, for the present, by the burgesses, in remonstrance of the confidence that they have in the said commissioners, that the present election of all officers not already constituted, be referred to the said governour and commissioners, and that this their election be not precedential to any succeeding assembly.

May 6th, 1652. Whether the governour and council shall be members of this assembly or no? generally voted they shall be, taking the oath the burgesses take, viz. :

“You, and every of you, shall swear upon the Holy Evangelists, and in the sight of God, to deliver your opinions faithfully and honestly, according to your best understanding and conscience, for the generall good and prosperity of this country and every particular member thereof, and to do your utmost endeavor to prosecute that, without mingling with it any particular interest of any person or persons whatsoever.

JOHN CORKER, *Cl. Dom. Com.*”

From this time there was a very perceptible departure from the former mode of administering the affairs of the colony, which continued during the suspension of the regal government in the parent state. The annual sessions of the assembly were dated in the year of the commonwealth, instead of the year of the king. The government established was declared to be, and was essentially, merely provisionary. It was in as unsettled a state as the government of the mother country. The house of burgesses gradually concentrated in themselves all legislative, judicial, and executive functions, without any due separation of, or constitutional limit to their powers. They appointed the governor and council, and fixed their term of office; they also virtually controlled the election of all the subordinate officers in the colony. And although these were appointed under a provisional enactment, that they should hold their offices for a specified period, or more generally "until the pleasure of the supreme power in England was known," there is no instance in the records of the colony, of any interference on the part of parliament or Cromwell, with the appointment of either.*

General features under the new organization.

Powers assumed by the Burgesses.

* 1. Henning's Statutes.

Indeed, during the existence of the commonwealth administration in England, the colony of Virginia seemed like a ship of state cut loose from her moorings, and floating on an uncertain sea, without an efficient commander, or a responsible pilot, or a harmonious crew, while none seemed to understand, or cared to know, the object of her adventure, or the port to which she was destined, and yet all were mainly solicitous to keep her from foundering.

Condition of the government.

The second election for governor, secretary and council, under the commonwealth, took place in March, 1655, when Edward Diggs was elected governor in the place of Richard Bennett; and the former secretary and council were all re-elected by the grand assembly. A general act regulating the trade of the colony, and establishing ports and places for markets,

Second election of State Officers, 1655.

PART I.

VIRGINIA,

Under the Provisional Government of 1652.

was also passed at this session. The other acts of this session were of a more domestic nature, relating principally to church matters and their relations with the Indians.

Third election, General Assembly of 1657-8.

The third election of state officers, under the commonwealth, was held in March, 1658, when, after referring to the establishment of the provisional government, as vesting "the right of election of all officers of this colony in the burgesses, the representatives of the people," it was formally declared by them, "that Wee, the present burgesses of this grand assembly, have accordingly *ordained* the several persons underwritten, to be the governour, council, and commissioners of this country of Virginia until the next assembly, or until the further pleasure of the *supreme power in England* shall be known."* Samuel Matthews, Esq. was again named as governor, Wm. Claiborne as secretary of state, and twelve others members of the council.

The Burgesses alone elect Governor and officers.

*1. Henning, 431.

Reserved loyalty to the Crown.

There is something significant in the phraseology used in designating the term of office of these state officers; referring to *the supreme power* in England, instead of the commonwealth. Though subjected to the authority of the parliament, Virginia seems not to have forgotten her loyalty to the crown; and expresses herself as it were, with a prophetic reference to its after supremacy. She seems, purposely, to have couched her enactments in terms which might meet any alternative of affairs in the revolutionary condition of the parent state; though they may well enough refer to the parliament, or to the Lord protector Cromwell, or even to the crown. This cautious use of terms may be observed in the previous acts establishing the provisional administration. It is also observable in all the after proceedings of the burgesses during the suspension of the regal power in England. Especially is it so where they have reference to the government or the authority of the mother country.

At a meeting of the grand assembly, commenced March 1, 1658, "the burgesses of the several counties being returned by the sheriffs, and this day making their appearance in the house; by the unanimous vote of all then present, (being thirty in number,) Coll. Edward Hill was chosen speaker, and being by them presented to the governour, from him received approbation."

Under the Provisional Government of 1652.

Election of a Speaker by the Burgesses.

The proceedings of the grand assembly at this date were more regular than any which had preceded, and as their preliminary orders illustrate the parliamentary forms observed at this early period, I insert them here, adopting as nearly as may be the language of the original record. The first order recites, that

Proceedings of the Assembly, 1658-9.

"Whereas Coll. Moore Ffantleroy, not being present in the house at the election of the speaker, moved against him, as if clandestinely elected, and taxed the house of unwarrantable proceedings therein, *It is ordered* that the said Coll. Ffantleroy be suspended until to-morrow morning, when, upon his submission, he may be admitted.*

Suspension of a member.

* 1. Henning, 507.

March 8th, 1658. The House being met, Coll. Ffantleroy acknowledging his error, was re-admitted, and the order for suspension raised.

He is re-admitted.

"Orders, for observation of good order in the house, being this day read, are generally assented to, and ordered to be recorded, viz.:

Orders of the Assembly, 1658-9.

1. That no burgess shall absent himself from attendance on the house without leave first obtained (unless prevented by sickness) when any matter shall be debated of; But that every member shall keep good order, and give due attention to the reading or debating of whatsoever shall be proposed or presented for the consideration of the house: and that every burgesse shall, with due respect, address himself to Mr. Speaker in a decent manner, and not entertain any private discourse, while the public affairs are treated of.

Attendance and deportment of members,

PART I.

VIRGINIA,

Under the Provisional Government of 1652. Absence. 2. That any member of this house, for any time of his absence upon call of the clerk, shall forfeit twenty pounds of tobacco, to be disposed of by the major part of this house, upon every Saturday in the afternoon, lawful impediments excepted.

Intoxication. 3. That the first time any member of this house shall, by the major part of the house, be adjudged to be disguised with overmuch drink, he shall forfeit one hundred pounds of tobacco; and for the second time he shall be so disguised, he shall forfeit 300 of tobacco; and for the third offence 1000 lb. tobacco.

Deportment during debate. 4. That upon debate of anything proposed by the Speaker, the party that speaketh shall rise from his seat and be uncovered during the time he speaketh, wherein no interruption shall be made until he have finished his discourse, upon penalty of one hundred pounds of tobacco.

Personalities prohibited. 5. That no irreverent or indigne forme of speech be uttered in the house by any person against another member of this house, upon the penalty of five hundred pounds of tobacco; the house to be judge therein; and the several fines to be disposed of by the house as aforesaid."

Message to the governor. At this stage of the proceedings a messenger was sent to the governor requesting him to appoint some of the council to administer the oath to the burgesses, "whereupon were sent, Coll. William Claiborne; Coll. William Bernard; and Coll. Thomas Dewe; who administered the oath to the burgesses in form following.

Burgesses' Oath. OATH. You and every of you shall swear, upon the Holy Evangelist and in the sight of God, to deliver your opinions faithfully, justly and honestly, according to your best understanding and conscience, for the general good and prosperity of this country, and every particular member thereof, and to do your utmost endeavor to prosecute that, without mingling with it any particular interest of any person, or persons, whatsoever—so help you God and the contents of this Book.

By the first act of this session it was declared by the governor, council and burgesses, "that the honorable Coll. Samuel Matthews, Esq., bee the governour and capt. general of Virginia for two years ensuing, and then the grand assembly to elect a governor as they shall think fit, the person elected being then one of the council.

Assembly of 1658-9.

Future election of governor.

"*And it is further enacted*, that the present council shall be the council of state, the assembly reserving to themselves a just exception against any one particular counsellor; but for the future the counsellors to be fixt during life except in case of high misdemeanors, and of this the grand assembly to be the only judge.

Council of state.

Term of office.

"*And it is moreover ordained by the authority aforesaid*, that the governour shall have privilege to nominate the future counsellors; and the burgesses according to their discretion to elect, and this act to be of force until his highness' pleasure be further signified."

How elected.

Provisional limitation.

The second act of this session provides for a calling of the assembly by the governor, by a summons issued in January preceding March; and if the governor omits to do so till the tenth of February, that then the secretary of state should send out writs for the election of burgesses, and in case the secretary should neglect it, then the sheriff should by his own power convene the people by the twentieth of February, to elect burgesses for the next assembly; to convene on the tenth of March every two years, unless the governour shall see fit to summon them sooner, on any important occasion.*

Meeting of the assembly.

The action of the assembly vesting the colonial government for the next two years in the governor and council, and giving the governor power to call the burgesses together as he might think occasion required, originated a controversy between them of exceeding interest and importance as it related to the powers of the former and the latter. The governor and council assumed that the power to convene involved also the

* I. Henning, 517.

Powers of the governor and council questioned by the burgesses.

PART I.

VIRGINIA,

Under the provisional government of 1652. power to dissolve the assembly; accordingly on the first of April, they withdrew from the house and startled the burgesses with the following communication, which was read to them by the speaker.

The governor and council dissolved the assembly, 1658. “The governor and council, for many important causes, do think fit hereby to declare, that they do now dissolve this present assembly, and that the speaker accordingly do dismiss the burgesses.

SAMUEL MATTHEWS,

W. CLAIBORNE.

Thomas Pettus,

Obedience Robins,

John Walker,

Geo. Reade,

William Bernard,

Henry Perry,

Nathaniel Bacon,

Francis Willis.

Answer of the burgesses.

“*Answer of the burgesses to the declaration of the honorable governour and council.*”

The house hereby presenteth, that the said dissolution, as the case now standeth, is not presidentall, neither legal according to the laws now in force, therefore we humbly desire a revocation of the said declaration, especially seeing we doubt not but speedily to finish the present affaires to the satisfaction of your honor, and the whole country.

JOHN SMITH, *Speaker.*”

Resolution of the burgesses.

† MS. worn out. Henning.

“Upon which transactions * * * * * † being but three monthes absent—it was * * * * * voted unanimously, that no burgess * * * * * and if any shall depart, that he shall be censured as a person betraying the trust reposed in him by his country; and the remaining to act in all things, and to all intents and purposes as a whole and entire house; and further, that Mr Speaker sign nothing without the consent of the major part of the house.

“VOTED FURTHER, that an oath of secrecy be administered to the burgesses, as followeth; viz :

You shall swear that as a burgess of this house ^{Assembly of 1658-9.} you shall not, either directly or indirectly repeat, nor discover, the present or future transactions, debates, ^{Oath of secrecy.} or discourses, that are now, or hereafter shall be, transacted or debated on in the house, to any person or persons whatsoever, except to a burgesse of this assembly now present, during the time of this present session. So help you God and the contents of this Booke.

“Reply of the honorable the governour and council.” ^{The governor and council in}

Upon your assurance of a speedy issue to conclude the acts so near brought to a confirmation in this assembly, we are willing to come to a speedy conclusion, and to refer the dispute of the power of dissolving, and the legality thereof, to his highnesse, the Lord Protector;

Subscribed, SAMUELL MATTHEWES,

WM. CLAIBORNE, *Sec.*

Ia. Cittie, April 2d, 1658.

“Answer of the burgesses.”

The house is unanimously of an opinion that the answer returned is unsatisfactory, and desire, with as much earnestness as the honorable governour and council have expressed, a speedy dispatch, and propose, that the governour and council please to declare <sup>The bur-
gesses in
answer.</sup>

The house remains undismissed, that a speedy period may be put to the publique affaires.

JOHN SMITH, Speaker.

James Citty, Ap: the 2d 1658.”

“The reply of the governour and council.”

Upon your promise received of the speedy and happy conclusion, we revoke the declaration for the dissolution of the assembly, and refer the dispute of the power of dissolving and the legality thereof to his highnesse the Lord Protector. <sup>Further re-
ply of the
governor
and coun-
cil.</sup>

Subscribed SAMUELL MATTHEWES,

Wm. CLAIBORNE, *Sec.*

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VIRGINIA,

Under the Provisional Government of 1652. The Assembly of 1658-9. "The house, unsatisfied with these answers, appointed a committee to draw up a report for manifestation and vindication of the assembly's power, which after presentation to the house to be sent to the governour and councill. These underwritten being appointed the committee:

Committee of Reference. "Coll. John Carter; Mr. Warham Horsmenden; Coll. John Sidney; Leu't. Coll. Thomas Swann; Major Richard Webster; Mr. Jerrom Ham; Capt. Wm. Michell.

Powers of the Committee. "The same committee is by the House impowered to draw up all such propositions as any way tend to or concerne the settling the present affairs of the countrey and government.

Report of the Committee nominated for vindication and manifestation of the assembly's power.

Report of the Committee. WEE have considered the present constitution of the government of Virginia and doe propose, That wee find by the records, the present power of government to reside in such persons as shall be impowered by the burgesses, the representatives of the people, who are not dissolvable by any power extant in Virginia but the house of burgesses."

"They humbly think fitt that the house do propose, Samuel Matthews, Esqr., to remain governour and Capt. gen'll of Virginia, with the full powers of that trust, And that a councill be nominated, appointed and confirmed by the present burgesses convened, with the assistance of the governour for his advice.

"Upon which report was drawn up this declaration:

Declaration on the report. "The burgesses, taking into consideration the many letts and obstructions in the affaires of this assembly, and conceiving that some persons of the present councill endeavor by setting up their own power to destroy the apparent power resident only in the burgesses, representatives of the people, as is manifest by the records of the assembly;

They claim for themselves full power.

"WEE, the said burgesses, do declare, That we have

in ourselves the full power of the election and appointment of all officers in this country, until such time as we shall have order to the contrary from the supreme power in England, all which is evident upon the assembly records;

Under the Provisional Government of 1652. The Assembly of 1658-9.

“And for the better manifestation thereof, and the present dispatch of the affaires of this country we declare as followeth:

“That wee are not dissolvable by any power yet extant in Virginia but our owne; That all former elections of governour and councill be void and null; That the power of governour, for the future, shall be conferred on Coll. Samuel Matthewes Esq, who by us shall be vested with all the just rights and priviledges belonging to the governour and Capt. generall of Virginia, and that a council shall be nominated, appointed and confirmed, by the present burgesses convened (with the advice of the governour, for his assistance) And that for the future none be admitted a counsellor, but such who shall be nominated, appointed and confirmed by the house of burgesses as aforesaid, until further order from the supreme power in England.

New election of Governor, &c.

JOHN SMITH, Speaker.”

“BY THE GRAND ASSEMBLY. These are in the name of his highness the Lord Protector to will and require you not to act, or execute any warrant, precept or command, directed to you from any other power or person than the speaker of this hon’ble house, whose commands you are hereby required to obey and not to decline therefrom until further order from us the burgesses of this present grand assembly, hereof faile not as you will answer the contrary at your perill—Given, 2d April, ’58.

Order to the Sheriff.

JOHN SMITH, Speaker.

Directed to Capt. Robert Ellison, high sheriff of James Citty County, and sergeant-at-arms for this present grand assembly.”

PART I.

VIRGINIA,

Under the Provisional Government of 1652. The Assembly of 1658-9. Public Records to be delivered to the Speaker.

"IT IS ORDERED, that whereas the supreme power of this countrey of Virginia is by this grand assembly declared to be resident in the burgesses, the representatives of the people, That in reference and obedience thereto, Coll. William Claiborne late secretarie of state forthwith surrender and deliver the records of the countrey into the hands of the speaker of this present grand assembly.

"Coll. Claiborne being sent for by the sergeant-at-arms, there was drawn up the next ensuing order.

Committee appointed to receive them.

"Whereas it hath been ordered by this present grand assembly, that Coll. William Claiborne late secretarie of state should deliver, upon oath, all the records concerning this countrey of Virginia, or any particular member thereof unto this present grand assembly, These are to impower and authorize Coll. John Carter and Mr. Warham Horsmenden to receive the same in the name and behalf of the aforesaid grand assembly; and for such records as they shall receive to give the said Coll. Claiborne a full receipt and discharge.

Report by the committee.

"April the 3d, 1658. The committee appointed for manifestation of the countreys power did this day by order of the house present to the governour the forme of the oath to be taken by him and the councell, which by him was approved, and a list of those he desired to be of his councell presented by him to the house.

Oath of the Governor and Council.

"THE OATH. I doe sweare that, as governour and Capt. gen'll of Virginia, I will from time to time to the best of my understanding and conscience deliver my opinion in all cases for the good and welfare of this plantation of Virginia; And I do also swear that as a minister of justice in Virginia, I will, to the best of my judgment and conscience, do equall right and justice unto all persons in all causes when I shall bee thereunto called, according to the knowne laws of England or acts of assembly, which are or shall be in force for the time being, without favor, affection, partiality or malice or any by respect whatsoever, neither will I,

directly or indirectly give counsell or advice in any cause depending before me, *So help me God:*

Under the Provisional Government of

1652.

The Assembly of 1658-9.

Thus the colony of Virginia, by a system of administration peculiar in its origin and character, by an experience singularly unlike that of the New-England colonies, and seemingly uninfluenced by the religious agitations which were convulsing the mother country, adopted as the basis of its government the fundamental maxim of political freedom embraced in the Protestantism of the Puritans, that *the people are the source of all power in the state*. In this heated and exciting controversy with the governor and council, the house of burgesses affirm distinctly, and again and again reiterate their claim to supreme power *because they were the representatives of the people*: And after the controversy is closed they declare the same thing by express enactments, wherein and whereby they insist, that all power centered in and emanated only from themselves *as representing the people*. They insist that no governor could or should rule over them, that no state council could or should be established among them, who would not admit that they derived their powers from the house of burgesses; and it would seem also that it was with the burgesses to reject or recognize the ruling power of the mother country. It was but "precedental" to a still greater assumption of power, and important in all their after history.

Protestant elements of the controversy.

Oliver Cromwell died on the third day of September, when his son Richard succeeded to the protectorate. This event was communicated to the governor and council of Virginia, by a letter dated on the seventh of the same month, and was by them communicated to the house of burgesses. The letter and the action of the burgesses upon it, form too important an item in the governmental history of Virginia to be omitted.

Death of Oliver and succession of Richard Cromwell, Sept. 1658.

PART I.

VIRGINIA,

Death of
Cromwell
communi-
cated to
Virginia,
1658-9.

Letter
from the
State Coun-
cil.

“Letter from the President of the State Council of the late Protector, OLIVER CROMWELL, to the Governor and Council of Virginia.

“Gentlemen, his late highness, the Lord Protector, from that general respect which he had to the good and safety of all the people of his dominions, whether in these nations or in the English plantations abroad, did extend his care to his colony in Virginia: The present condition and affairs whereof appearing under some unsettledness through the looseness of the government, the supplying of that defect hath been taken into serious consideration, and some resolutions past in order thereunto which we suppose would have been brought into act by this time if the Lord had continued life and health to his highness; but it hath pleased the Lord on Friday, the third of this month, to take him out of the world; his said highness having, in his lifetime, according to the humble petition and advice, appointed and declared the most noble and illustrious lord, the Lord Richard, eldest son to his late highness, to be his successor; who hath been accordingly, with general consent, and applause of all, proclaimed Protector of this Commonwealth of England, Scotland and Ireland, and the dominions and territories thereunto belonging; and therefore we have thought fit to signify the same unto you, whom we require according to your duty, that you cause his said highness Richard, Lord Protector, forthwith to be proclaimed in all parts of your colony.

Decease of
Cromwell.

Assur-
ances of
good will.

“And his highness’ council have thought fit hereby to assure you that the settlement of that colony is not neglected, and to let you know that you may expect shortly to receive a more express testimony of his highness’ care in that behalf; till the further perfecting whereof their lordships do will and require you, the present governor and councill there, to apply yourselves with all seriousness, faithfulness and circumspection, to the peaceable and orderly management of the

No present
interfer-
ence.

affairs of that colony, according to such good laws and customs (not repugnant to the Laws of England) as have been heretofore used and exercised among you, improving your best endeavors, as for maintaining the civil peace, so for promoting the interest of religion, wherein you will receive from him all just countenance and encouragement:

“And if any person shall presume by any undue ways to interrupt the quiet or hazard the safety of his highness’ people there, order will be taken (upon the representation of such proceedings) to make further provision for securing of your peace in such a way as shall be found meet and necessary, and for calling those to a strict account, who shall endeavor to disturb it.

Signed in the name and by order of the council

HE: LAWRENCE, *Presid’t.*

Whitehall, 7th September, 1658.

“*March 8, 1659.* The letter being read it was proposed, whether the house should have time to debate on their acceptance and approbation of it: Whereupon it was resolved they should have time to consider of it: In reference to which the governour and council departed, and there was proposed, 1. Whether the letter in that part that requires obedience to his highness, Richard, lord protector, should be assented to. **RESOLVED,** *generally and unanimously* in the affirmative.

2. Whether the letter sent be accepted as an authentic manifestation of their lordship’s intentions for the government of this countrey. **VOTED,** That we owne the power and the whole contents thereof.” After which the house adjourned till Wednesday morning:

“*Wednesday, March ninth, 1659.* The house being met, the speaker declared the intention of the governour and council, in tender care of the good of this countrey, to assist the assembly in making addresses to his highness for confirmation of the privilege granted to the countrey in electing their own officers; in which

The suc-
cession of
Richard
Cromwell,
1659.

Further
assurance.

Proceed-
ings by the
burgesses.

Richard
Cromwell
acknowl-
edged.

PART I.

VIRGINIA,

The succession of Richard Cromwell, 1659.

The Governor acknowledges the supreme power of the burgesses.

* 1. Henning, 511.

The resignation of the protectorate by Richard Cromwell, 1659.

† William Waller Henning's Statutes at Large.

the house desired to be satisfied from the governor's own expressions. In reference to which Mr. Bacon, Mr. Horsmenden, Lt. Coll. Carter and Capt. Fowke, were sent to desire his honor to come to the house and affirm it, which accordingly he did as followeth, viz: He acknowledged the supreme power of electing officers to be by the present laws resident in the grand assembly; and that he would join his best assistance with the country in making an address to his highness for confirmation of their present privileges; And that for this reason, that what was their privilege now might be his or their posterities forever."*

Richard Cromwell resigned the protectorate on the twenty-second day of April, 1659. By this act of his the supreme power in England seems to have been thrown into abeyance, suspended between various factions, but depending mainly on the will and the action of general Monck, who observed a rigid taciturnity as to his intentions and kept the whole nation in wild uncertainty as to what kind of a government would next ensue. How, precisely, this condition of things in the mother country influenced the action of the people in Virginia, the strange and conflicting narratives of both English and American authors renders it impossible to say. The difficulty of removing the uncertainty which they have thrown around this portion of her governmental history would be insuperable were it not for the preservation of her early colonial records by the faithful and laborious compilation of one of her patriotic sons,† from which I have already so freely quoted. From these we have seen that the powers of the grand assembly of the colony, which body was originally composed of the governor and council and the burgesses, were at length centered in the latter, and it became the supreme source of all power in the government of Virginia. By these their representatives the people controlled its legislative action, made themselves heard in its deliberations, their influence felt and their will

obeyed. The grand assembly met again on the first of March, 1660, at James City, when the burgesses again declared the whole power of the government to be in their own hands by enacting that,

“I. *Whereas*, by reason of the late frequent distractions (which God in his mercy put a sudden end to) there being in England, no resident absolute and generall confessed power, *Be it enacted and confirmed*, that the supreme power of the government of this country shall be resident in the assembly; and that all writs issue in the name of THE GRAND ASSEMBLY OF VIRGINIA, until such a command and commission come out of England as shall be by the assembly adjudged lawful.

Action of the Grand Assembly after the resignation of Richard Cromwell, March, 1660.

Supreme power declared to be in the Assembly.

Writs to issue in its name.

“II. *Be it enacted*, that the honourable Sir William Berkeley, be governour and captain generall of Virginia; and that he govern according to the ancient laws of England and the established laws of this country. And that all writs issue in the name of the grand assembly of Virginia; that once in two years at least, he call a grand assembly, or oftener if he see cause; that he have liberty to make choice of a secretary and council of state, with the approbation of the assembly; and that he do not dissolve this assembly without consent of the major part of the house.

Sir William Berkeley appointed Governor, 1660.

His powers, &c.

“III. *Be it further enacted*, that all precedent laws, and clauses in laws, contrary to the laws, power, and form of government now established, be reversed, repealed, made void and null.

Repealing Act.

On being notified of his election Sir William Berkely asked leave of the assembly to advise with the late council soliciting their concurrence in his acceptance of the office, whereupon, it was—“*Ordered*, that he have free liberty of treating with them, and that his letter, and their subscription approving his election, be recorded.” He then sent in his acceptance of the office, when it was further—“*Ordered* that the declaration of Sir William Berkeley, knight, to be governor and capt. generall of Virginia, and to enjoy the obedience of the

Sir William Berkeley accepts the office of Governor.

PART I.

VIRGINIA,

Action of
the Assem-
bly, 1660.

people, be forthwith proclaimed by the high sheriff of James Citty county, and the declaration to be recorded."

The following act was then passed for the more perfect security of the present government.

"XI. WHEREAS it was enacted by the last assembly; That Coll. Samuel Mathews should be governour for two years, and the councel of state fixt during life, *It is thought fitt, and enacted*, that in regard to the then governour and councel dissolved the said assembly and expressly declined the said act, that the said act be repealed and the privildge and power of the secretary and coun-
cil of state annihilated, made null and void." *

* 1. Hen-
ning, 530.

Non-at-
tendance
of bur-
gesses.

An act was also passed providing that in case any member of the house of burgesses failed to make his appearance in the house during its session, without a reasonable excuse to be judged of by the house, he should be subjected by a fine of three hundred pounds of tobacco, to be disposed of by the assembly.

Assembly
adjourned
to March,
1661.
Burgesses
not to ac-
cept office.

The assembly was subsequently adjourned, without being dissolved, till March, 1661, previous to which adjournment it was enacted, that in the interval, none of the then present burgesses should accept any office which would disqualify him for membership, under a "penalty of ten thousand pounds of tobacco for the contempt."

Restora-
tion of
Charles II.,
May 29,
1660.

Charles II. was restored to the throne, as the lawful sovereign of the kingdom of Great Britain, on the twenty-ninth day of May, 1660; and notwithstanding the foregoing prorogation of the assembly, it met again on the twenty-third day of October of the same

Grand As-
sembly of,
Oct. 1660.

year.
This must have been a special session, but for what particular purpose it was convened, and whether by proclamation of the governor or by a special summons, we have no reliable means of ascertaining. It would naturally seem to have had reference to the restoration of Charles II., and yet I find among the records no

more special reference to that event than that Sir William Berkeley is styled "his majesty's governour." Assembly of October 1660.

It appears, from the acts* of this session, that an effort was now being made by the late London company, to procure the restoration of their charter. To counteract this the assembly enacted that—"Whereas the necessity of the countrey being in danger of the oppression (of the late †) company and the loss of our liberties, for want of such an agent in England as is able to oppose the invaders of our freedoms and truly to represent our condition to his sacred majesty, enforceth the employing a person of quality to present our grievances to his majesty's gracious consideration and endeavour the redress, which the right honourable Sir William Berkeley, his majesty's governour, hath been pleased to undertake. *Be it therefore enacted*, that there be raised by the countrey, the sum of two hundred thousand pounds of tobacco and cask, for his, Sir William Berkeley's support in his voyage; and that payment be made thereof by the twentieth of January in York River and James River, to such persons as his honor shall appoint; and that the secretary of state and speaker of the assembly sign a manifesto to the governour of the country's engagement for payment thereof."

Royal style of the governor restored.

Attempt to revive the London Company.

† Not in the Ms. Henning.

Colonial opposition to.

The assembly met again in March, 1661. The acts of this session were prefaced as being passed "At a grand assembly, summoned to be held at James Citty, the twenty-third day of March, in the twelfth year of the reign of our sovereign lord, Charles, the second; by the grace of God, of England, Scotland, France and

Assembly of March, 1661.

Style of its session.

* *Note.* Henning places these acts in the session of March 23d, 1660-61, though he says the MS. record dates them at 1660, simply. It is impossible that it could have been the session of March, 1660, for that was *before* the restoration of the monarchy. I think the MS. is sustained by referring the date to the October session of 1660. Then, too, the date 1660-61, may include it as a part of the session of March, 1660, which was adjourned to March, 1661.

PART I.

VIRGINIA,

Assembly
of March,
1661.

Its pro-
ceedings.

* 2 Hen-
ning, 17
and 41.

The dis-
tractions
under the
common-
wealth.

Revision
of Colonial
Laws, &c.

Intention
of the re-
vision.

Ireland, king, defender of the faith, &c., and in the year of our Lord, 1660—And from thence continued by prorogation to the twenty-third day of March, 1661.”* This, with the preamble to the laws enacted at this session, being historical in their character and references, form the best illustration that can be given of the position and relations of the colony with the government of the mother-country at this time. The preamble recites,

“Whereas, the late unhappy distractions caused frequent changes in the government of this countrey, and those produced so many alterations in the laws that the people knew not well what to obey, nor the judges what to punish, by which means injustice was hardly to be avoided, and the just freedom of the people by the uncertainty and harshness of the laws hardly to be preserved—This assembly taking the same into their serious consideration, and gravely weighing the obligations they are under to discharge to God, the king and the countrey, have by settling the laws, diligently endeavored to prevent the like inconveniences; by causing the whole body of the laws to be reviewed, all unnecessary acts and chiefly such as might keep in memory our inforced deviation from his majesty’s obedience, to be repealed and expunged; and those that are in force to be brought into one volume; And least any prejudice might arise, by the ignorance of the times from whence those acts were in force, they have added the dates of every act, to the end that courts might rightly administer justice, and give sentence according to law, for any thing happening at any time since any law was in force; and have also endeavored in all things (as near as the capacity and constitution of this countrey would admit) to adhere to those excellent and often refined laws of England, to which we profess and acknowledge all due obedience and reverence.”

“And that the laws made by us are intended by us but as brief memorials of that which the capacity of

our courts is utterly unable to collect out of its vast volumes, though some times perhaps for the difference of our and their condition varying in small things, but far from the presumption of contradicting any thing therein contained: And, because it is impossible to honour the king as we should unless we serve and fear God as we ought, and that they might show *their equal care of church and state*, they have set down certain rules to be observed in the government of the church, until God shall please to turn his majesty's pious thoughts towards us, and provide a better supply of ministers amongst us.

Action of
the Assem-
bly, 1661.

Union of
church and
state.

"Be it therefore enacted by the governour, council and burgesses of this grand assembly, that all the following laws continued or made by this assembly shall hereafter be reputed the laws of this country, by which all courts of judicature are to proceed in giving of sentence, and to which all persons are strictly required to yield all due obedience; and that all other acts not in this collection mentioned be to all intents and purposes utterly abrogated and repealed, unless suit for any thing done be commenced when a law now repealed was in force, in which case the producing that law shall excuse any person for doing any thing according to the tenour thereof."*

Style of the
laws.

All others
repealed.

* 2 Hen-
ning, 41

Without any of those open demonstrations of loyalty erroneously attributed to her by different historians, it is evident nevertheless that the colony of Virginia easily and readily passed into a position of allegiance to the regal power now again established over the parent nation, and became again, in all her sympathies, her aims, her enactments, and her appliances of government and administration, a royal colony—The proceedings of her general assembly evince the alacrity with which she flew to the embraces of monarchy, with all the eagerness of a long wandering child coming back to its dependence on the tender care and endearing protection of a venerated parent: She volunteers

PART I.

VIRGINIA,

The gov-
ernment
surrenders
itself back
to royalty.
Royal style
of the gov-
ernor re-
vived.

to give to her chief executive officer a style which imports that he holds his place in subjection to the crown: She dates the sessions of her assembly in the year of the king instead of the year of the commonwealth, reckoning his reign as if no such usurpation had ever existed: She refers to the years of its existence as years of painful uncertainty and suffering, wherein she was forced to deviate from the path of duty and learned the bitter experience of an infant orphanage. An experience, by the way, which for her and for those who were thereafter to inherit and enjoy the government and institutions of which she was thus laying the foundation, fruitful of important events and oracular developments.

Other
marks of
loyalty.

But she still further hallows her loyalty in the revised code of laws established at this session of her assembly. She deprecates her "late surrender and submission to the execrable power that so bloodily massacred the late king Charles the first, of ever blessed and glorious memory," as making her a guilty participant in its crimes, and "to show her serious and hearty repentance and detestation of that barbarous act," she enacts "that the thirtieth day of January, the day the said king was beheaded, be annually solemnized with fasting and prayers, that our sorrows may expiate our crimes, and our tears wash away our guilt."

Allegiance
to Charles
II.

She further consecrates her allegiance by acts of gratulation to Charles II., and expresses her "thankfulness and joy" at his restoration, by enacting "that the twenty-ninth day of May, the day of his majesty's birth and happy restitution, be annually celebrated as an holyday;"* while she provides that the oaths of supremacy and allegiance should thereafter be administered to all her higher officers, to her inferior magistrates, and to her ministers of religion.

* 2 Hen-
ning, 49.

From this period onward, the whole fabric of government and administration in the colony, whether execu-

tive, legislative, or judicial; whether in its civil or ecclesiastical polity, was but a miniature exhibition of the constitutional forms of the mother country. The provisions besides those I have already alluded to, which developed her characteristic qualities in contrast, if I may so say, with those of New England, had reference more particularly to her religious establishment. Her clergy were required to receive ordination at the hands of an English bishop, and none but those thus consecrated to the sacred office were permitted to exercise its functions in the colony. She provided by law for the establishment of parishes, the erection of churches, and the ordination, induction, support, and suspension of ministers. She visited with fines and banishment all those of any other order, origin, or denomination, who attempted to preach within her precincts without permission. She enforced the hallowing of the sabbath and the observance of holydays; she regulated by statutory provisions the preaching of the gospel, and prescribed and limited the times for administering and receiving the holy eucharist and the rite of baptism. She also enacted that "*It is thought fitt* that upon every Sunday the mynister shall, halfe an houre or more before evenenge prayer, examine, catechize, and instruct the youth and ignorant persons of his parish, in the ten commandments, the articles of the beliefe, and in the Lord's prayer: and shall diligentlie heere, instruct, and teach the catechisme sett forthe in the booke of common prayer: And all fathers, mothers, maysters and misstrisses shall cause their children, servants, or apprentizes, which have not learned the catechisme, to come to the church at the tyme appointed, obedientlie to heare, and to be ordered by the mynister untill they have learned the same. And yf any of the sayd ffathers, mothers, maysters and misstrisses, children, servants, or apprentizes, shall neglect their duties, as the one sorte in not causing them to come, and the other in refusing to

Her characteristic qualities and policy of government.
 Her clergy.
 Church ordinances.
 Religious teaching.
 Duties of parents and masters in reference to.

PART I.

VIRGINIA,

Her characteristic qualities and policy of government.

* Hen-
ning's
Statutes
at large.

learne as aforesayd, they shall be censured by the courts in those places holden." These duties were also enforced by pecuniary penalties inflicted upon both ministers, parents, and masters, in case of neglect or omission "without sufficient cause be shown to the contrarie." The governor and all the councill and burgeses of the assembly were ordered, upon the penalty of one shilling for neglect, "to be present at divine service in the morning."* In a word, the established church of England, with its canons and its ordinances, its doctrines and its discipline and forms of worship, its fast and festival observances, was the established church of the colony of Virginia. Non-conformists were obliged to quit the country. Marriages were required to be celebrated by a regularly ordained priest in the parish church, upon publication of the bans and according to the ceremonial prescribed in the book of common prayer. Those otherwise celebrated were declared null and void, the issue of them pronounced illegitimate, and the parties punished as guilty of fornication. The clergy were provided for by glebes and tithes, non-residence was prohibited, and a personal, strict, and regular performance of all parochial duties was insisted upon. The laws also which regulated the descent and distribution of estates were conformable with the same in England.

Population and condition at the restoration.

The peaceful and prosperous rule of Sir William Berkeley continued, with occasional absences in England, down to the year 1677, making in the whole thirty-six years from the time of his first appointment in 1641. In the mean while the population of the colony had increased with a singular rapidity, and at the time of the restoration it numbered more than thirty thousand inhabitants. The restrictions to which they were afterwards subject by the parent government were but few, and were not regarded with hostility, being principally of a nature to secure their relations and allegiance to, and to regulate their trade with, the

northern colonies and the mother country. Industry and frugality were successful in all the occupations of life, while her commercial relations were so defined as to encourage trade, to promote naval enterprise, to give security and the prospect of an improving revenue to the mercantile interests, and to encourage the mechanic arts.

In the year 1670, a series of enquiries were propounded to Sir William Berkeley, by The Lords commissioners of foreign plantations, which were returned to England, with the answers of the governor appended to each interrogatory, in the following year. This document, emanating from a man so capable, from his long residence in and familiarity with all the affairs of the colony, to give the desired information, and illustrating, as it does, the condition of the colony at its date, becomes peculiarly valuable as a portion of her governmental history. I give the questions with the answers.

*“Enquiries of the Governor of Virginia,
propounded in 1670.*

1. What councils, assemblies, and courts of judicature, are within your government, and of what nature and kind? *Answer.* There is a governour and sixteen counsellors, who have from his sacred majesty, a commission of oyer and terminer, who judge and determine all causes that are above fifteen pounds sterling; for what is under, there are particular courts in every county, which are twenty in number. Every year, at least, the assembly is called, before whom lye appeals, and this assembly is composed of two burghesses out of every county. These lay the necessary taxes, as the necessity of the war with the Indians, or their exigencies, require.

2. What courts of judicature are within your government, relating to the admiralty? *Answer.* In twenty-eight years there has never been one prize

Gov'r
Berkeley's
Report in
1671.

Councils,
Assemblies
and Courts.

Admiralty.

PART I.

VIRGINIA,

Gov'r brought into the countrey, so that there is no need for
Berkeley's a particular court for that concern.
Report in 1671.

3. Where the legislative and executive powers of
Legislative your government are seated? *Answer.* In the gov-
and execu- ernour, council, and assembly, and officers substituted
tive pow- ers. by them.

4. What statute laws and ordinances are now made
Laws and ordinan- and in force? *Answer.* The secretary of this countrey
ces. every year sends to the Lord Chancellor, or one of the
principal secretaries, what laws are yearly made; which
for the most part concern only our own private exigen-
cies; for contrary to the laws of England, we never
did nor dare make any, only this, that no sale of land
is good and legal, unless within three months after the
conveyance it be recorded in the general court, or
county courts.

5. What number of horse and foot are within your
Military forces. government, and whether they be trained bands or
standing forces? *Answer.* All our freemen are bound
to be trained every month in their particular counties,
which we suppose, and do not much mistake in the cal-
culation, are near eight thousand horse: there are
more, but it is too chargable for poor people, as we are,
to exercise them.

6. What castles and forts are within your govern-
Castles and forts. ment, and how situated, as also what stores and pro-
visions they are furnished withal? *Answer.* There
are five forts in the country, two in James River, and
one in the three other rivers of York, Rappahanock and
Potomek; but God knows we have neither skill or
ability to make or maintain; for there is not, nor, as
far as my inquiry can reach, ever was one engineer in
the country, so that we are at continual charge to
repair unskillful and inartificial buildings of that nature.
There is not above thirty great and servicable guns;
Guns and powder. this we yearly supply with powder and shot as far as
our utmost abilities will permit us.

7. What number of privateers do frequent your coasts

and neighboring seas; what their burthens are; the number of their men and guns, and the names of their commanders? *Answer.* None to our knowledge since the late Dutch war. Gov'r Berkeley's report in 1671.

8. What is the strength of your bordering neighbors, be they Indians or others, by sea and land, what correspondence do you keep with your neighbors? *Answer.* We have no Europeans seated nearer to us than St. Christophers or Mexico that we know of, except some few French that are beyond New England. The Indians, our neighbors, are absolutely subjected, so that there is no fear of them. As for correspondence we have none with any European strangers; nor is there a possibility to have it with our own nation further than our traffick concerns. Neighbors, Indians, &c.

9. What arms, ammunition, and stores did you find upon the place, or have been sent you since, upon his majesty's account; when received; how employed; what quantity of them is there remaining and where? *Answer.* When I came into the country, I found one only ruinated fort, with eight great guns, most unserviceable, and all dismounted but four, situated in a most unhealthy place, and where, if an enemy knew the soundings, he could keep out of the danger of the best guns in Europe. His majesty, in the time of the Dutch war, sent us thirty great guns, most of which were lost in the ship that brought them. Before or since this we never had one great or small gun sent us, since my coming hither; nor, I believe, in twenty years before: all that have been sent by his sacred majesty are still in the countrey, with a few more we lately bought. Arms and military stores. Great guns. Small guns.

10. What monies have been paid, or appointed to be paid, by his majesty, or levied within your government, for and towards the buying of arms or making or maintaining of any fortifications or castles, and how have the said monies been expended? *Answer.* Besides those guns I mentioned, we never had any monies of his majesty towards the buying of ammunition, or Arms, fortifications, &c.

PART I.

VIRGINIA,

- Gov'r Berkeley's report in 1671. building of forts. What monies can be spared out of the public revenue, we yearly lay out in ammunition.
- Bounds, &c. of the colony. 11. What are the boundaries and contents of the land within your government? *Answer.* As for the boundaries of our land, it was once great, ten degrees in latitude, but now it has pleased his majesty to confine us to half a degree. Knowingly I speak this, pray God it may be for his majesty's service but I much fear the contrary.
- Products and manufactures. 12. What commodities are there of the production, growth and manufacture of your plantation; and particularly what materials are there already growing, or may be produced for shipping in the same? *Answer.* Commodities of the growth of our country, we never had any but tobacco, which in this yet is considerable that it yields his majesty a great revenue, but of late we have begun to make silk, and so many mulberry trees are planted, and planting, that if we had skillful men from Naples or Sicily to teach us the art of making it perfectly, in less than half an age, we should make as much silk in an year as England did yearly expend three score years since; but now we hear it is grown to a greater excess, and more common and vulgar usage. Now, for shipping, we have admirable Iron-ore. masts and very good oaks; but for iron ore, I dare not say there is sufficient to keep one iron mill going for seven years.
- Salt-petre. 13. Whether salt-petre is, or may be, produced within your plantation, and if so, at what rate may it be delivered in England? *Answer.* Salt-petre, we know of none in the country.
- Rivers and harbors. 14. What rivers, harbors, or roads are there in or about your plantation and government, and of what depth and soundings are they? *Answer.* Rivers, we have four, as I named before, all able, safely and severally, to bear and harbor a thousand ships of the greatest burthen.
- Population, planters, servants, &c. 15. What number of planters, servants, and slaves;

and how many parishes are there in your plantation? Gov'r
Answer. We suppose, and I am very sure we do not Berkeley's
 much miscount, that there is in Virginia above forty report in
 thousand persons, men, women and children; and of 1671.
 which there are two thousand black slaves, six thou-
 sand christian servants for a short time, the rest are
 born in the countrey or have come in to settle and seat,
 in bettering their condition in a growing countrey.

16. What number of English, Scots, or Irish, have Annual in-
 for these seven years last past come yearly to plant and troduction
 inhabit within your government; as also what *blacks* or of adven-
slaves have been brought in within the said time? turers, &c.

Answer. Yearly, we suppose there comes in, of serv-
 ants, about fifteen hundred, of which most are English,
 few Scotch, and fewer Irish, and not above two or three
 ships of negroes in seven years.

17. What number of people have yearly died, within Deaths an-
 your plantation and government for these seven years nually.
 last past, both whites and blacks? *Answer.* All new
 plantations are, for an age or two, unhealthy, till they
 are thoroughly cleared of wood; but unless we had a
 particular register office, for the denoting of all that
 died, I cannot give a particular answer to this query;
 only this I can say, that there is not often unseasoned
 hands (as we term them) that die now, whereas hereto-
 fore not one of five escaped the first year.

18. What number of ships do trade yearly to and Ships and
 from your plantation, and of what burthen are they? trade.

Answer. English ships, near eighty come out of Eng-
 land and Ireland every year for tobacco; few New-Eng-
 land ketches; but of our own, we never yet had more
 than two at one time, and those not more than twenty
 tons burthen.

19. What obstructions do you find to the improve- Impedi-
 ment of the trade and navigation of the plantations ments to
 within your government? *Answer.* Mighty and de- commerce.
 structive, by that severe act of parliament which ex- Navigation
 cludes us the having any commerce with any nation act.

Gov'r
Berkeley's
report in
1671.

in Europe but our own, so that we cannot add to our plantation any commodity that grows out of it, as olive trees, cotton or vines. Besides this, we cannot procure any skillful men for one now hopeful commodity, silk, for it is not lawful for us to carry a pipe stave, or a barrel of corn, to any place in Europe out of the king's dominions. If this were for his majesty's service, or the good of his subjects, we should not repine, whatever our sufferings are for it, but, on my soul, it is the contrary for both. And this the cause why no small or great vessels are built here; for we are most obedient to all laws, whilst the New-England men break through and men trade to any place that their interests lead them.

Disloyalty
of New-
England.

Improve-
ments in
trade, &c.

20. What advantages or improvements do you observe that may be gained to your trade and navigation? *Answer.* None, unless we had liberty to transport our pipe staves, timber and corn, to other places besides the king's dominions.

Duties on
exports
and im-
ports.

21. What rates and duties are charged and payable upon any goods exported out of your plantation, whether of your own growth or manufacture, or otherwise, as also upon goods imported? *Answer.* No goods, either exported or imported, pay any the least duties here, only two shillings the hogshead on tobacco exported, which is to defray all public charges; and this year we could not get an account of more than fifteen thousand hogsheads, out of which the king allows me a thousand yearly, with which I must maintain the port of my place, and one hundred intervening charges that cannot be put to public account. And I can knowingly affirm, that there is no government of ten years' settlement, but has thrice as much allowed him. But I am supported by my hopes that his gracious majesty will one day consider me.

Salary of
the gov-
ernor.

Revenue
to the
king.

22. What revenues do or may arise to his majesty within your government, and of what nature is it; by whom is the same collected; and how answered and

accounted to his majesty? *Answer.* There is no revenue arising to his majesty but out of the quit-rents; and this he hath given away to a deserving servant, Col. Henry Norwood.

23. What course is taken about the instructing the people within your government in the christian religion; and what provision is there made for the paying of your ministry? *Answer.* The same course that is taken in England out of towns; every man according to his ability instructing his children. We have forty-eight parishes, and our ministers are well paid, and by my consent should be better if they would pray oftener and preach less. But of all other commodities, so of this, the worst are sent us, and we had few that we could boast of since the persecution in Cromwell's tyranny drove divers worthy men hither. But, I thank God there are no free schools nor printing, and I hope we shall not have these hundred years;* for learning has brought disobedience and sects and heresy into the world, and printing has divulged them. God keep us from both."

Parishes,
provision
for the
clergy, ed-
ucation &c.

* 2 Hen-
ning, 511.

On the twenty-fifth day of February, in the year 1673, Charles II. made a grant of the whole colony of Virginia to Lords Arlington and Culpeper, two of his favorites, for the term of thirty-one years. This strange and improvident act invested the patentees with a proprietary title and government over the country. It was exceedingly irritating to the people of the colony; it gave rise to great discussion and excitement and tested their loyalty almost beyond the limit of endurance. The agitation found its fittest out-break, where all such matters were usually disposed of, in the house of burgesses. The first act of the grand assembly held in September, 1674, and which had been prorogued to this date from October of the previous year, is pointed in its reference to this subject. It was entitled as follows:

Grant by
the crown
to Lords
Arlington
and Cul-
peper,
Feb. 1673.]

Its effect
in the col-
ony.

PART I.

VIRGINIA,

The grant
to Lords
Arlington
and Cul-
peper.

Proceed-
ings there-
upon by
the grand
assembly
of Sept.
1674.

Its effect
upon their
rights and
interests.

Resolution
for an ad-
dress to
the king.

“An act for an address and application to be made to the king’s most excellent majesty,” and recited

“Whereas this grand assembly are deeply sensible of the many and grievous pressures that are daily growing and still likely to grow, and be imposed upon the inhabitants of this his majesty’s royal colony of Virginia, by certain Lords patentees, who under colour and pretence of promoting the good of the colony and augmenting his majesty’s revenues have obtained certain letters pattents and grants derogating, and in prejudice of, many royal concessions and grants from time to time made by his majesty, and his royal progenitors, in favor to this colony, all which, as justly may be feared, the said lords by their deputies and ministers will endeavor to make void and of none effect, by imposing new rents and services, altering the form of our tenures, compelling to new surveys and new pattents, imposing fines and compositions on surplusages, lands and lapses, at their will and pleasure, by nomination of sheriffs, escheators, surveyors, and other officers; and in effect divesting the government of those just powers and authorities by which this colony hath hitherto been kept in peace and tranquility, and all men’s rights and properties duly administered and preserved unto them.

“And whereas this grand assembly, on great deliberation, have considered by what convenient ways and means those agrievances might be removed; how our liberties, privileges, immunities, rights and properties, might be had, made, and established to us and our posterity; *have thought fitt* that a humble supplication be made to his sacred majesty, by this grand assembly, in the name of this his majesty’s most loyal colonies, setting forth as well, by what royal grants and concessions his majesty and his royal progenitors, have, from time to time, been graciously pleased to indulge this colony; the grievous pressures likely to grow upon us by reason of the late grants to the lords; that his majesty would be graciously pleased to revoke the said

grants to the said lords; and for securing us from our fears, in time to come, of being removed from his majesty's immediate protection, to confirm our liberties, privileges, immunities, rights, and properties as aforesaid, by his majesty's royal charter; and that certain gentlemen in whose honor, integrity and care, for promoting the good of this country, this grand assembly have a just confidence, be desired to address themselves to his majesty in the name of this colony, and to negotiate in England all other public affairs of this country.

"And because it is manifest that a work of this nature is not to be undertook or effectually prosecuted, without money, and that we be not imprudently wanting to ourselves in a matter of so great importance, this grand assembly have thought fitt that a sum of money be raised of and from the inhabitants of this country to be used, employed, and expended towards the accomplishment of the ends and purposes aforesaid; *Be it therefore enacted, by the governour, council, and burgesses of this grand assembly, and by the authority thereof,* that fifty pounds of tobacco besides cask and salary, be levied of and from every tithable person within this colony this present year; And fifty pounds of tobacco besides cask and salary the next year; And that this be disposed of to several undertakers at the rate of eight shillings per cent., for producing money as aforesaid for accomplishing the ends and purposes aforesaid in manner and form following," &c.*

Action on the grant to Lords Arlington and Culpeper, Sept. 1674.

Provision to procure its repeal.

Levy of charges therefor.

* Appointments the assessment.

Pursuant to the provisions of this act three agents were appointed, *Col. Francis Morryson; Thomas Ludwell, secretary; and Major General Robert Smith;* Early in the next year they opened the negotiation for the repeal of the obnoxious grant, and for a new charter to the colony, by submitting sundry "heads" as the basis of their propositions; accompanying each with appropriate explanations: The propositions for a new charter were,

Agents appointed to negotiate its repeal.

PART I.

VIRGINIA,

Negotia-
tion and
proposi-
tions for a
new char-
ter, 1675.

“*1st Head.* That Virginia may be enabled, by the king’s letters pattents, by the name of “governour, council and burgesses” to purchase and hold the grant of the northern neck or tract of land between the Rap-
pahanock and Potomack rivers, which had been con-
veyed to the Earl of St. Albans, Lord Culpeper and
others.

Power of
granting
lands.

“*Explanation of the first head.* That by incorporating the governour, council, and burgesses, (a term which they disapprove of, if any better mode could be devised,) they only wish that they may have capacity to purchase two grants which had been made of the northern neck, and which excited great uneasiness among the people; that the power of granting the lands within that territory may reside in the governour and council as formerly; and that the colony of Virginia may, after the purchase, enjoy the quit-rents and escheats in the same manner as the patentees, they being the only source from which the colony can be reimbursed their purchase money.

Their de-
pendence
upon the
Crown.

“*2d Head.* That the people of Virginia may be assured that they shall have no other dependence but on the crown, nor be cantonized into parcels by grants made to particular persons. And to prevent surreptitious grants, that none be made for the future, till the king shall have received information from the governour and council of Virginia, as to the propriety of making them.

Object of
this prop-
osition.

“*Explanation of the second head.* Nothing more is intended by this head, than that the people of Virginia should rely on the crown alone for protection. No unlimited power is asked for, nor any grant which shall lessen the authority of the king.

“*3d Head.* That all lands may be assured to the present possessors and owners thereof.

Titles to
lands.

“*Explanation of the third head.* This, the agents consider essential to the peace and welfare of the colony. The inhabitants, in confidence of their grants,

having expended their estates in the improvements of their lands, it is all important that they should be assured of their titles. The agents also pray that the usual allowance of fifty acres of land for each person imported, which experience had proved to be so beneficial, may be continued.

Negotiation and propositions for a new Charter, 1675.

"4th Head. That all lands held by right of administration, acquisition, or other customary title, which in strictness of the law might be escheated, may be assured to the possessors; the escheators for the crown taking only two pounds of tobacco per acre, according to a former composition, for escheats.

Possession of escheated lands.

"Explanation of the fourth head. It having been discovered, on enquiry, that a great number of the inhabitants held their lands by right of administration and other colorable titles, which, for want of heirs, were by law escheated to the crown; the governour and council with the advice of the grand assembly, in order to avoid the inconveniences which should result from disturbing so many possessions, established a general composition for escheats at the above rate. As no emolument could accrue to the crown from granting those lands to new adventurers, the agents pray that the possessors may be quieted in their titles.

Necessity of this provision.

"5th Head. That the governour and council may be residents in the colony; and that the deputy governour, in the absence of the governour, may be one of the council, and such as has an estate and interest in the country.

Residence of Governour and Council.

"Explanation of the fifth head. This is not a new proposition, nor does it arise from groundless fears. It is no more than is contained in the commissions of all the governours since the foundation of the government; and is only intended to guard against the powers of the government devolving upon strangers who have no interest in the country, during the absence of the governour, and that the king himself may have a better account of the country.

Nature of this proposition.

PART I.

VIRGINIA,

Negotia-
tion and
proposi-
tions for a
new Char-
ter, 1675.
Judicial
powers.

"6th Head. That the governour and council, or a *quorum* of them, may be fully empowered by charter to hear and determine all treasons, misprisions of treason, murders and felonies; since the government, being so remote, ought to be armed with such powers.

"Explanation of the sixth head. Nothing more is intended by this than that, instead of a commission of oyer and terminer, there may be a standing provision in the charter conferring such powers.

Taxes.

"7th Head. That there shall be no tax or imposition laid on the people of Virginia but according to their former usage, by the grand assembly, and no otherwise.

Reasons
for this
proposi-
tion.

"Explanation of the seventh head. 1. The agents hope that this request will not be deemed immodest, when it is considered that both the acquisition and defence of Virginia have been at the charge of the inhabitants; and that the people, at that time, were at the expense of supporting not only the government but the governour, which occasioned their taxes to be very high, and which must every year increase with the growth of the country."

Taxation
without
consent.

"And further, As to the point whether the Virginians are in reason to be assured under his majesty's great seal, that they shall not be taxed without their own consent—

"1. It is humbly conceived, that if his majesty deduce a colony of Englishmen by their own consent (or otherwise he cannot) or license or permit one to be deduced, to plant an uncultivated part of the world, such planters and their heirs ought to enjoy by law in such plantation, the same liberties and privileges as Englishmen in England; such plantation being but in nature of an extension or dilation of the realm of England.

Conceded
by James
I.

"2. King James did, by the charter to the treasurer and company, declare that their posterity and descendants born in Virginia, should be taken as natural born subjects of England; (as in truth, without

any declaration or grant, they ought by law to be,) Negotia-
 which charter, although for the misgovernment of the tion and
 company it were demanded in a *quo warranto*, yet did proposi-
 the said king forthwith promise and declare, that a tions for a
 charter should be renewed with the former privileges new Char-
 to the planters, at whose instance and for whose sake ter, 1675.
 the former charter was called in.

“3. Neither his majesty nor any of his ancestors, or Ancient
 predecessors, have ever offered to impose any tax upon usage.
 this plantation, without the consent of his subjects here.

“4. Nor upon any other plantation, how much less Usage in
 soever deserving of or considerable to the crown. other
 New England, Maryland, Barbadoes, &c., are not taxed colonies.
 but of their consent.

“5. As to their land, the Virginians are freeholders
 in common, as of the Manor of East Greenwich.

“6. Their goods, the product of the industry of Revenue to
 themselves and servants, being the principal part of the king.
 their estates, (in respect whereof their lands are of con-
 siderable value,) yield to the king, in his customs, at
 least one hundred thousand pounds per annum.

“7. The acquisition and defence of the countrey was, Expenses
 and is, by the blood and treasure of the former and pres- of settling
 ent planters and seaters; never costing the crown of the coun-
 try.
 England anything in all their way.

“8. Their taxes already are, and must continue, Present
 high upon them for the maintenance and support of the colonial
 government, execution of law and justice, and defence taxes.
 and ornament of the countrey; erecting and endowing
 of churches; maintenances of ministers of English
 ordination, doctrine and liturgy; building and furni-
 ture of ports, ships of war, towns, &c.

“9. Their course of taxing (which is ever only per Value of
 poll) sheweth how far the personal industry of the industry.
 people is and ought to be valued above their lands and
 stocks.

“10. The petitioners have an express charge to insist Exemption
 on this particular, and since they find their right from taxa-
 tion in-
 sisted.

Negotia-
tion and
proposi-
tions for a
new Char-
ter, 1675.

herein to be questioned, they find it necessary to have this particular cleared, and the referrees herein satisfied before they proceed to any other.

8th Head. A confirmation, by charter, of the authority of the grand assembly, consisting of governour, council, and burgesses.

Continu-
ance of the
present
govern-
ment.

Explanation of the 8th head. That is, in effect, only to ask that the laws made in Virginia, may be of force and value, since the legislative power has ever resided in an assembly so qualified ; and by fifty years experience had been found a government more easy to the people and advantageous to the crown ; for, in all that time, there had not been one law which had been complained of as burthensome to the one, or prejudicial to

The king's
revision
of their
laws.

the prerogative of the other. And though the king had always a negative, by his governour ; yet the colonists would not object to the king's exercising the power of disannulling a law, so that his dissent be signified within two years after the enacting of it. For which purpose the laws should be annually transmitted to one of his principal secretaries of state."*

* 2. Hen-
ning, 523-
7.

These propositions were submitted to parliament and on the twenty-fifth day of June, they were referred by the lords of the committee for foreign plantations to the king's attorney and solicitor general. They reported them back to the same committee on the eleventh of October following, who submitted the same report to the king, making it their own by a change of the phraseology, substituting the words "your majesty" for the words "his majesty." The report is embodied in the action of the king and council thereupon which was as follows:

Report of
the Com.,
and action
of the
king in
council
thereupon.

"AT THE COURT AT WHITEHALL, NOVEMBER 29TH, 1675.

Present, the king's most excellent majesty, etc. :

WHEREAS the right honorable the lords of the committee for forrain plantations, did this day present to his majesty in council, a report touching a grant to be

past unto his majesties subjects of Virginia in the words following :

Action of
the king
in council
upon the
report of
the com-
mittee,
Nov. 1675.

“*May it please your Majesty.* The petition of Francis Morryson, Thomas Ludwell and Robert Smith, agents for the governour, council, and burgesses of the countrey of Virginia and territory of Accomac, being by your majesties most gracious order, in council, of the 23d June last past, referred to your majesties attorney and solicitor general, who were to consider thereof, as also of a paper annexed, containing more fully the heads of what they humbly proposed, and then to report unto us their opinion on the same, as to the conveniency thereof, in respect of your majesties service; and we having seen and examined the said report, bearing date the 12th instant, are upon the whole matter humbly of the opinion, that it will not only be for your majesties service, but for the increase of the trade and growth of the plantations of Virginia, if your majesty shall be pleased to grant and confirm, under your great seal of England, unto your subjects of Virginia, the particulars following, as of your majesties free grace and goodness to them :

The
report.

1. That your majesty will enable the governour, council, and commonalty of Virginia, to purchase the lands, &c., contained in the grant to the Earl of St. Albans, Lord Culpeper, and others, and, as to that purpose only, to be made a corporation, to purchase and retain the same, with a *non obstante* to the statute of mortmaine.

Power to
purchase
grant, to
Lord
Culpeper,
&c., of
northern
neck.

2. That the inhabitants, your majesties subjects there, may have their immediate dependence upon the crown of England, under the jurisdiction and rule of such governor (or government) as your majesty, your heirs and successors shall appoint.

Depend-
ence on the
crown of
England.

3. That the governor, for the time being, shall be resident in the country, except your majesty, your heirs and successors shall, at any time command his attendance in England, or elsewhere; in which case a deputy

Governor
to be resi-
dent in
Virginia.

PART I.

VIRGINIA,

Action of the king in council upon the report of the committee, Nov. 1675. Deputy and successor. shall be chosen, to continue during the absence of such governor, in manner as hath formerly been used, unless your majesty shall be pleased to nominate the deputy, who is to be one of the council, but if any governor happen to dye, then another to be chosen as hath been formerly used, to continue till your majesty, your heirs and successors, shall appoint a new governor.

Exemption from taxation. 4. That no manner of imposition or taxes shall be laid or imposed upon the inhabitants and proprietors there, but by the common consent of the governor, council, and burgesses, as hath been heretofore used ;
 Proviso. *provided* that this concession be no bar to any imposition that may be laid, by act of parliament here, on the commodities which come from that country.

Granting of lands by the king. 5. That your majesty, your heirs and successors, will not for the future, grant any lands in Virginia under your great seal, without first being informed by the governor and council there, for the time being, or some person by them impowered, whether such grant will not be prejudicial to the plantations there.

Confirmation of titles. 6. That all lands now possessed by the planters or inhabitants, may be confirmed and established to them ; *provided* it alter not the property of any particular man's interest in any lands there.

Fifty acres to each emigrant. 7. That, for the encouragement of such of your majesties subjects as shall, from time to time, go to dwell in the said plantation, there shall be assigned out of the lands (not already appropriated) to every person so coming thither to dwell, fifty acres, according as hath been used and allowed since the first plantation.

Composition for escheats. 8. That all lands possesst by any subject inhabiting in Virginia, which have escheated, or shall escheat, to your majesty, may be enjoined by such inhabitant or possessor, he paying two pounds of tobacco composition for every acre, which is the rate, in that behalf, set by the governor, authorized to do the same, by your majesties instructions.

Trial for treason, 9. That the governor and council, or a certain quo-

rum of them, may be empowered to try all treasons, murder and felonies, murders, felonies and other misdemeanors, *provided* they proceed in such trials, as near as may be to the laws of England: the governor to have power of pardoning all crimes, unless murder or treason; and in these, if he see occasion, to give reprieve, until he shall have laid the state of the fact before your majesty, and received your royal determination therein.

10. That the power and authority of the grand assembly consisting of governor, council and burgesses, may be by your majesty ratified and confirmed; *provided* that your majesty may at your pleasure revoke any law made by them, and that no law so revoked shall, after such revocation, and intimation thereof from hence, be further used or observed.

ALL which is hereby submitted to your majesties determination."

"COUNCEL CHAMBER, THE 19TH OF NOVEMBER, 1575.—His majesty having considered the said report, and being greatly inclined to favour his said subjects of Virginia, and to give them all due encouragement, have thought fitt to approve and confirm the same, and Mr. Attorney general and Mr. Solicitor general, are hereby required to prepare a bill for his majesties signature in order to the passing of letters pattents for the grant, settlement and confirmation of all things according to the direction of the said report, but paring the words and manner of expression so as may be most suitable to the forme of law in such cases accustomed, and to the petitioners relief."

In pursuance of this order of the king, a corporate charter was subsequently prepared and was in progress through the offices of state, but before it was definitively arranged the news of "Bacon's Rebellion"* arrested its

* Nathaniel Bacon, the younger. His rebellion was short-lived, and had no other material effect on the condition of the colony than as it affected the Charter applied for. He made a public acknowledgment of his guilt, and sued for pardon, June 9, 1676. Many prominent actors

Further negotiations for a charter, 1675-6.

execution, and had the effect of materially changing its provisions.

The order of the King directing the Articles reported by the lords of the commissioners for foreign plantations to be transcribed and passed into a charter was probably prompted by his grateful recollection of the loyalty with which the colonists of Virginia had defended and adhered to the rights of the crown during the suspension of the regal power under the commonwealth, and at the restoration. Soon after its publication was defeated by the disturbances of Bacon's rebellion, further manifestations of disloyalty also took place in New England. The agents for Virginia were consequently embarrassed in their negotiations, and full a year elapsed before any charter was procured. It would seem, from a memorandum in the record office made a few years afterwards, that the people were very much disappointed in the result. It represents them as complaining that "Lord Culpeper obtained that this poor charter, which we have, only should be granted."* The charter was issued in October, 1676, as follows, viz:

* See 2 Henning, 531.

THE NEW CHARTER.

New charter of Charles II.

CHARLES THE SECOND, by the grace of God, King of England, &c., to all to whom these presents shall come, *greeting*. KNOW YE, that we of our especial grace, certain knowledge, and meer motion, have declared and granted, and by these presents do, for us, our heirs, and successors *declare and grant* that all the subjects of us, our heirs, and successors, from time to time inhabiting within our colony and plantation of Virginia, shall have their immediate dependence upon the crown of England; under the rule and government of such governments, as we, our heirs, and successors, shall from time

Dependence on the crown.

with him were compelled to ask pardon of the governor and council on their knees with a rope around their necks: Bacon disappeared suddenly and mysteriously and was supposed to have been assassinated. A general pardon was granted by proclamation to all others. See 2. Henning, 377.

to time appoint in that behalf, and of, or upon, no other person or persons whatsoever:

II. *And further*, that the governour for the time being, shall be resident in that countrey, except we, our heirs or successors shall at any time command his attendance in England or elsewhere; in which case a deputy shall be chosen, to continue during the absence of such governour, in manner as hath formerly been used, unless we, our heirs, or successors shall think fitt to nominate such deputy. *And further*, if any governour shall happen to die, then another governour shall and may be chosen as hath been formerly used, to continue till we our heirs or successors, shall appoint a new governour.

Governor to be resident in the colony.
Deputy how chosen.
Successor how appointed.

III. *AND moreover*, that all lands now possessed by the severall and respective planters, or inhabitants of Virginia, are and shall be confirmed and established to them and their heirs forever, where the property of any particular man's interest in any lands there shall not be altered or prejudiced by reason thereof.

Confirmation of titles to lands.

IV. *AND our further will and pleasure is*, and we do hereby, of our further grace and favor, declare and grant, that for the encouragement of such our subjects as shall from time to time go to dwell in the said plantation, there shall be assigned, out of the lands not already appropriated, to every person so coming to dwell, fifty acres of land, according as hath been used and allowed since the first plantation, to be held of us, our heirs, and successors, as of our manor of East-Greenwich, in the County of Kent, in free and common soccage.

Fifty acres of land to each emigrant.

V. *And further*, that all lands, possessed by any subject inhabiting in Virginia, which are escheated, or shall escheat, unto us, our heirs, and successors, shall and may be enjoyed by such inhabitants or possessors, his heirs and assigns forever, paying two pounds of tobacco composition for every acre, which is the rate set by our

Composition of escheats.

governour according to our instructions to him in that behalf.

Trials for
treason,
murder,
&c.

VI. AND *further*, that the governour and council of Virginia for the time being, and in the absence of the governour, the deputy governour, and council, or any five or more of them, whereof the governour or his deputy to be always one, shall, and hereby have full power and authority to hear and determine all treasons, murders, felonies, and other offences committed and done within the said government, so as they proceed therein, as near as may be to the laws and statutes of this kingdom of England.

To be construed
beneficially to the
colonists.

VII. AND *lastly, know ye*, that we being, of our royal goodness, graciously inclined to favor the subjects of us, our heirs and successors, which now do, or hereafter shall, inhabit in the said country of Virginia, and to give the more liberal and ample encouragement to plantations there, do hereby declare our royal will and pleasure to be, that all and every clause, article, and sentence, in those our letters pattents contained, shall be, from time to time for ever hereafter, as often as any ambiguity, doubt, or question shall or may arise thereupon, expounded, construed, deemed, and taken, to be, by us meant and intended, and shall enure and take effect in, the most beneficial and available sense to all intents and purposes, for the profit and advantage of the subjects of us, our heirs and successors, as against all and every other person and persons whatsoever, any law, statute, custom, and usage to the contrary thereof notwithstanding. In witness whereof we have caused these our letters to be made pattents. Witness ourself, at Westminster, the tenth day of October, in the twenty-eighth year of our reign.

* 2. Hen-
ning, 532.

Per ipsum Regem—BARKER.*

The char-
ter.

This charter is a remarkable document, whether we consider its brevity and the singularity of its provisions, or the circumstances under which it was brought into

being. While its design seems to have been to place restrictions upon the colonial administration, it does not in words abridge, nor does it take away from the colonists, those political rights and powers which they had acquired during the revolutionary period of their existence, or otherwise assumed to exercise as a political body: Nor yet does it repeal, but rather seems to affirm, the provisions of former charters or commissions. It makes no allusion whatever to many important matters contained in the propositions of the agents for Virginia, particularly those which refer to the right of imposing taxes as vested in the grand assembly, and is silent as to the continuance of that body as then constituted. Yet it takes from it the power of appointing the governor and makes him the creature of the crown, while at the same time in the provision made for the choice of a deputy governor it seems to concede, inferentially at least, the existence of the assembly if not its supremacy, as a legitimate organization.

Sir William Berkeley was sent for by the king, and left the colony on the twenty-seventh day of April, 1677, for England, where he soon after died. Of course he did not officiate as governor of the colony under the new charter. Thomas, Lord Culpeper, baron of Thorsway, was appointed Lieut. Governor in July, 1675, but he did not arrive in the colony until the year 1680, and was formally sworn into office as governor on the tenth day of May; Herbert Jeffreys, Esq., and Sir Henry Chicheley, having in turn respectively acted as lieutenant-governor in the interim from the departure of Sir William Berkeley.

On the tenth day of September, 1681, Lord Arlington conveyed to Lord Culpeper all his interest in Virginia, derived under the grant of Charles II. of twenty-fifth February, 1673. Lord Culpeper subsequently assigned his whole estate in the premises to Charles II., which was announced to the colonists by a proclamation dated July twenty-fifth, 1684, as follows: "*Where-*

Governor Berkeley summoned to England, 1677. His death.

Lord Culpeper appointed governor.

Grant to Lord Culpeper, &c., surrendered to the Crown, 1683-4.

PART I.

VIRGINIA,

Proclamation of the King to the colony, 1684. as the Lord Culpeper has assigned and surrendered unto us all right, title, and interest to certain letters pattend, bearing date 25th February, 25th Regni, whereby he demised unto him and Lord Arlington, all the colony of Virginia, and Accomac, with the rents, quit-rents, fines and forfeitures, and escheats, accruing unto him from the premises; and the same being now in virtue thereof, and of a former assignment of the Lord Arlington unto the Lord Culpeper entirely in his majesty's hands, he declares his will and pleasure that publication thereof be made to his subjects within the colony of Virginia, and they be given to understand that his majesty proceeded herein, with an intent to apply all profits accruing thereby to the benefit and for the better support of the government of that our colony, in such manner as he should from time to time appoint. *Therefore* his majesty requires the governour to empower the officers of the revenue, and such others as he should think fitt, duly to collect the quit-rents accruing from time to time, according to the reservation of 25 for every 100 acres of land, and so proportionably for a greater or lesser quantity, to be paid in specie, in money, and not in tobacco nor in any other commodity; but that the subjects might with greater ease comply with their obligation to his majesty, his majesty is well pleased that instead of English money they may answer what becomes due to him in such pieces of eight as are current in that colony; and as to escheats, fines and forfeitures, and other profits, mentioned in his letters pattend, his majesty directs that they be satisfied according to the demise to the Lord Culpeper in the like pieces of eight for every five shillings. And because at that distance he could not direct the particular method of recovering those dues, the governour is to proceed therein as he should find most beneficial, and to give him an account of his proceedings; and that the revenue arising from the premises be not disposed of nor suffered to be issued out, until upon certifying

Collection
of quit-
rents.

Escheats,
fines and
forfeitures.

The gov-
ernor to
account
for to the
king.

unto his majesty the value of what shall remain there-
upon in the treasury, he should order the same to be
disposed of to such uses as shall be most requisite for
his services."* Hereby assuring the completeness of
the new charter.

Political
elements
of freedom
developed
by the ne-
gotiation
for the
charter.

It is not for us at this distant day, with our scant
materials, to fathom the motives and designs of the
various persons and parties involved, on one side or the
other, in the controversy which resulted in the publi-
cation of this charter, and which here and thus termi-
nated. It develops, for the first time in the history
of Virginia, in active though not now unloyal compe-
tition, that questioning of the crown's supremacy
which in the colonies of New England had already
long ago grown to be a part of their political existence.
It forms the first link in that chain of causes which
just one century afterwards united Massachusetts-Bay
and Virginia as the leading and formidable opponents
of British oppression in America. Suppressed it might
be in the latter colony during many intervening years
of almost unquestioning submission, but still existent
and waiting only the moment ordained of providence
to waken again, and by the like forceful reasoning to
establish their title to political freedom, and to main-
tain it, in a way which must inevitably lead to a sever-
ance of them from all dependence on the kingdom
of Great Britain.

* 2. Hen-
ning, 521.

Here we terminate this part of the history of the
first colony of Virginia, and of the general govern-
mental regulations under which it was permanently
established, which I have made the first part of the
governmental history of the United States. We do
not find in them as wide a departure from the laws
and constitution of the mother country as is discover-
able in those of the second colony, or New England.
In fact, Virginia had from the beginning assumed a
position of loyalty to the regal power of the parent
state, which found no sympathy in the settlements of

General
remarks.

Virginia
and New
England.

Until after the English revolution of 1688. New England. This is evident from the allusions made in the foregoing documents to the prevailing disregard of the will of the crown, and of the enactments of parliament among the latter in referring to which the governor and agents of Virginia evidently plume themselves upon her passive submission to both. This will become still more apparent in their subsequent history. While Virginia was consecrating her loyalty by acts of protection and of posthumous adulation of the memory of Charles I., the people of New England were welcoming his judges to their homes and their hearths with the ringing acclamation, *opposition to tyrants is obedience to God*. While the former flew with eagerness to the embraces of a restored monarchy, the latter were cautiously contriving how they might make their own freedom from its supremacy consist with the semblance of submission to its authority.

Virginia
and New
England.

Henceforth Virginia, in all her appliances of government and administration, may be considered but a miniature likeness of the parent kingdom. She adhered to the crown with a right loyal devotion, and readily settled down into a recognition of its supremacy, undisturbed by the accession of James II. in 1685, or the subsequent agitations of his reign, or his abdication of the throne in 1688, or the consequent revolution, which placed the crown upon the heads, and established the succession in the line, of William and Mary, prince and princess of Orange.

Nor is it at all strange that Virginia should have been so subservient in her allegiance. Where the people are kept in ignorance, despotism finds its most submissive subjects, and tyrants their most abject slaves. The liberal endowment of institutions of learning, the existence of free schools and a free press, are the surest guarantee of an enlightened and permanent freedom in any country. Sir William Berkeley, who for more than forty years, either as governor or a member of her state council, was conversant with Vir-

ginia; who was one of her most excellent chief officers; and was more instrumental than any other man in laying the foundation of her government and institutions, thanks God that there were no free schools nor printing in Virginia, and hopes they will not have these hundred years. For, he adds, "learning has brought disobedience and heresy and sects into the world, and printing has divulged them, and libels against the best government—God keep us from both!" Until after the revolution of 1688.

See his report, ante.

Eleven years after this date, Lord Culpeper, then governor of Virginia, avowed the same horror of free schools and printing. A printer who had actually opened an establishment in the colony, was prohibited using or exercising his trade. The fact is thus entered upon the record—"February 21st, 1682. John Buckner, called before the Lord Culpeper and his council, for printing the laws of 1680 without his excellency's licence, and he and the printer ordered to enter into bond in £100 *not to print anything* thereafter until his majesty's pleasure should be known." This was a sort of indefinite postponement of the right to exercise the calling, for there is no evidence of any printing being done in the colony from this period until 1733.* * 2. Henning, 518.

But it was not so in New England. She had her origin and her growth in free schools and printing, and in that "disobedience" and those "sects and heresies" which "printing has divulged." That printing and those schools which under Luther, and Calvin, and Zwingle, and the Puritans, placed the Bible in the hands of the people, made known to the individual man its elements of freedom, and developed to the world the true liberty of the gospel, that harbinger of so many blessings to mankind. Wherever the puritans planted a settlement in the new world, they also erected a church and a school-house; and wherever they instituted a minister, they also associated a teacher. Learning had no horrors to them. They attested their reverence for its votaries by elevating its

Until after the revolution of 1688. most finished scholars to the highest honors whether in the church or the state. We must turn then to New England as furnishing in her early history by far the most interesting and important developments of freedom in our own governmental annals.

The revolution of 1688 in England was the legitimate effect, and its result was the triumph, of the political elements of freedom embraced in the protestantism of the puritans. The leaven originally hid as it were in three measures of meal, gradually spread its subtle essences through the political organizations of the kingdom until the whole was leavened. Its too turbid effervescence gave birth to the licentious liberty and lawlessness which obtained during the transition period of the commonwealth, and this again gave way to the more substantial semblances of a free government under the restored monarchy. The end however was not yet. Liberty was hardly yet drained of its licentiousness. The more arbitrary and reactive reign of James II., his resolute and reckless assumption of supremacy, and his attempt to restore the power of Romanism in his dominions, inaugurated the grand crisis which resulted in engrafting in the British constitution that fundamental principle of political freedom which recognizes the people as the primary source of sovereignty in the throne. Thus while Protestantism became the guarantee of stability and permanency to the monarchical forms in the parent state, it was also the source, life, and conservation of the more popular political systems which were being planted in America. We of this age have grown to be so familiar with and have lived so long surrounded by the blessings it has conferred upon us, that we have become alarmingly insensible to their greatness. We boast of our civilization, our seminaries of learning, our institutions of religion and humanity; of our enterprise, our arts, our commerce, our liberty and our laws, and we forget how much we are indebted for all these to that one

Protestantism and its elements of freedom.

element of protestantism. Blot out this from the records of our political experience alone, and where would be our free government and free institutions? Eliminate all traces of its beneficent influences and protection even from our every-day life; from our homes, our schools, our academies, our colleges, our universities, and our churches—withdraw its healthful essences from the pulpit, the bar, the bench; from our halls of legislation, and our offices of state; and what would we be as a people or a republic? The truth is, the elements of individual, social and political freedom inherent in a Protestant Christianity are so inwoven into our very being as a nation, that to its subversion, if ever that period shall arrive, some future Gibbon may ascribe THE DECLINE AND FALL OF THE FREE REPUBLIC OF THE UNITED STATES OF AMERICA.

END OF PART I.



PART II.

GOVERNMENTAL HISTORY OF THE SECOND GRAND DIVISION OF THE CONTINENT OF NORTH AMERICA, CALLED THE SECOND COLONY OF VIRGINIA, NORTH VIRGINIA, OR NEW ENGLAND.

IN the first part of this work I have traced the governmental history of the settlements planted in America by the first colony of Virginia, or the London company, until they grew into a regularly organized community, passed out from the control and jurisdiction of the company, and became permanently established in the form of a political corporation, under a well ordered system of colonial government subject to the sovereign power of the kingdom of Great Britain. I now come to the history of the second colony of Virginia, otherwise called the Plymouth company. It was so denominated because the principal proprietors of the corporation were located at Plymouth in England.

The Plymouth Company.

See Part I., first charter.

This company did not receive a patronage by any means equal to that of the other. It laboured under great disadvantages, not only from its own location, but the shores on which its settlements were to be made were cold, bleak, cheerless and inhospitable. Few men of rank, of opulence, or of enterprise, became interested in its transactions: And although it was established under similar charter provisions, and gifted with equal and like privileges with the first colony, it fell far behind the latter in the energy and efficiency of its efforts to accomplish the objects sought to be promoted by its incorporation. The first expedition under its auspices was fitted out in the year 1606, but the vessels employed were captured by the Spaniards, who then claimed the right to exclude all other nations from sailing in or navigating the American waters.

PART II.

NEW ENGLAND,

First expedition of the Plymouth Co., 1606.

Its second expedition 1607

* Chief Justice Popham.

Results of these expeditions.

Trading expedition under Capt. Smith.

His explorations and report.

The country how named.

Two more vessels, with one hundred and twenty planters on board, were dispatched under the direction of admiral Sir Raleigh Gilbert, in the month of May, 1607. They formed an inconsiderable settlement on the river Sagadahok, a small stream emptying into the Kennebeck river near its mouth: But becoming alarmed at the severity of the climate, the majority of them returned to England in the month of December in the same year, leaving behind them about forty-five men with Captain George Popham as their president. The inclemency of the climate, the ravages of disease, and the death of the principal patron of the company* in England, soon desolated whatever hopes of a settlement this adventure may have inspired.

The discouraging reports which were made of the country by those who returned prevented any new emigration, and no further plans were projected by the company other than to open a fishing and fur trade with the natives.

One of these trading adventures was commanded by Capt. Smith, a name proudly conspicuous in the early history of the colony planted by the London company. His inquisitive mind was not contented with carrying on a trade to the country without any further knowledge of its capabilities and extent than such as might be gathered from the untutored natives. He landed and spent some considerable time in exploring its resources. He drew a chart of the coast from Penobscot to Cape Cod, made practical observations on its bays, harbours and rivers, its soil and productions. His representations of the country on his return to England so fascinated the then prince of Wales, afterwards Charles I., that he bestowed upon it the name of NEW ENGLAND.

From this date that division of the continent which had been allotted to the London company was called Virginia, and that which had been assigned to the Plymouth company was called New England.

But the interest elicited by the accounts given of the country by Capt. Smith, had no further effect than to stimulate individual adventurers to prosecute the trade which had been opened with the natives. None were induced to emigrate, nor was the prospect of gain sufficiently encouraging to lure the company to attempt any settlement. Men could not be induced to abandon their homes, ease, comfort, or luxury, for the sake of an uncertain, or at least a distant advantage, either to themselves or to their country. The shores were too wild, the climate was too harsh, and the end too precarious, to inspire or to encourage a spirit of enterprise or adventure.

Severity of the climate discouraging to commercial adventure.

Happily, however, for the interests of mankind, there was a spirit which could face all these difficulties, and endure all these sacrifices and privations; which could brave any danger and welcome any disaster with the prospect, however distant or contingent, of accomplishing its purposes; a spirit which, under whatever circumstances or in whatever clime, could still live and glow in the bosom of its possessor; a spirit, whose exalted purposes were in part accomplished the very moment it alighted on this "wild and rock-bound coast"—It was a spirit which sought "FREEDOM TO WORSHIP GOD."

Its settlement prompted by the spirit of religious freedom.

Freedom to worship God.—It is essential to the perfect idea of human responsibility that the homage which man pays to his creator should be individual, his own, and a free-will worship. Personal accountability could not otherwise be a part of a just economy of rewards and punishments. It was during the perilous passage of christianity through the darkness, idolatry, and corruptions of paganism, that these, her cardinal revelations, were obscured, and she became encumbered with those mythic rites and superstitions which were afterwards the basis of Romanism. Here were gathered the materials which enabled an artful or ambitious priesthood, so to interweave their own canons

Origin of Romanism.

with those of the civil law, that the church by imperceptible degrees assumed the control of the offices of state, until at length the sceptre itself became tributary and subject to the will of the mitre. Such was the course of things when, early in the sixteenth century, the Roman Catholic religion had risen to be the predominant religion in England and on the continent of Europe. Its seat was at Rome, its head was the pope, who sat supreme on his throne while all christendom bowed before his sovereignty and infallibility. He claimed, and he exercised, all temporal as well as all spiritual power over all the world. He gave and he took away continents, kingdoms, islands and seas. He made and unmade kings. He established and overthrew dynasties. He directed and contracted, prohibited and dissolved at will, the alliances of princes. He dispensed forgiveness to crime and sold indulgences to vice. He gave to treason a dagger and forged for despotism its chains. In a word, he arrogated to himself the attributes and prerogatives of Jehovah, and sat on earth as in the place of God.

Romanism
in the six-
teenth cen-
tury.

Supremacy
of the
Pope.

See Part I.

Condition
of man-
kind
during the
reign of
Papacy.

In this era of papacy the art of printing, then but recently discovered, and which has since been productive of so much benefit to mankind, was suppressed. Literature, learning, and the sciences, were proscribed. The people were prohibited using or cultivating their faculties, by the fulminations of ecclesiastical censure, or the terrors of eternal damnation. A pall was thrown over all the powers of man. The human race was buried in more than Egyptian darkness; and the destinies of the world seemed shrouded in inscrutable mystery.—Such was Romanism in the plenitude of its power, and such was the condition of the world under the supremacy of its rule.

Origin of
Protest-
antism.

But meanwhile, in the secluded and lonely cloisters of its convents there was being nurtured, under providence, a spirit whose destiny it was to overthrow the pompous hierarchy which had thus ascended the throne

of the Cæsars and invested itself with the sway of that once magnificent empire. Humble in his origin, humble in his station, and still more humble in his piety, Martin Luther had performed with a fervid devotion and a scrupulous zeal, the duties devolving upon him as a priest of Rome, until he chanced to come in possession of a copy of the Bible. With eager curiosity and impetuous energy, he devoured its sacred pages. He imbibed its spirit, its faith, its hopes, its freedom. He deduced from its records and developed to the world, its grand cardinal revelations, the personal freedom and personal responsibility of man in the eye of his Maker.

This was the origin, and these mighty truths were the basis, of what we now call protestantism. It embraces in itself elements which conserve the freedom and safety of the body politic as well as the body religious; the prerogatives of the state and its officers as well as those of the church and her ministers; the rights and duties of the individual as well as the mass in all the relations of life. Holding up the Bible as his text book, and announcing these as its great truths, and claiming that it should be freely disseminated and freely read among the people, "Luther rushed boldly into the presence of the dignitaries of the Roman church, protesting against their claims to power, and they quailed before his convincing arguments. He assailed the unscrupulous traffickers in indulgences and pardons and they fled discomfited from the field. Summoned to appear before the Roman Legates at Augsburg, he instantly obeyed the mandate, appeared before them, protested against their authority, and his presence served only to stupify, confound, and baffle, his adversaries. The learned divines gathered themselves in the halls of Leipsic; but unawed by their presence he boldly entered upon the discussion to which he was challenged, and the astonished theologians felt the weapons of their warfare fall powerless from their

The nature
of Protest-
antism.

The protes-
tant refor-
mation in-
augurated
by Luther.

PART II.

NEW ENGLAND,

* See
D'Aug-
bigne's
Reforma-
tion, vol. 2.

The Bible
and Pro-
testantism.

Progress
of the
reforma-
tion in
Europe.

The refor-
mation in
England.

hands. The pope himself at length started from his slumbers and hurled his fiercest fulminations at the offending monk, but that same Bible and those same truths, were the shield of him who trusted in them; the arm of the spiritual despot was palsied, and the throne of the pontificate trembled."* The triumph of Luther was the triumph of the Bible. The triumph of the Bible was initiatory to the triumph of human freedom, and gave assurance to the world that protestantism was destined to override all opposition, to subdue the kings and princes of many lands, to reform and exalt the church as well as the state, the people as well as their rulers, and ultimately to bring freedom and peace to all the oppressed and suffering children of the earth.

The warfare against the church of Rome, thus commenced by Luther, soon spread itself throughout christendom, and many of the countries of Europe abjured her authority, and separated themselves from her communion. In some instances this rupture was sudden and violent, leaving no traces of the ancient superstition, but adopting an entirely new form of worship, of doctrines, and of discipline. Such was the case with the institutes provided by Calvin and adopted in many of the estates of Germany. The simplicity of these, but more especially their hostility to the papal doctrines and ordinances, were so much admired by the more zealous of the reformers, that they were adopted in the United Provinces, in the dominions of the House of Brandenburg, in those of the Elector Palatine, and by the Huguenots of France.

In England a different policy seems to have been pursued, and the progress of the protestant principles of the reformation was here more cautious and deliberate. She abolished at first only those institutions and canons of Rome which were deemed more prominently repugnant to the principles of freedom, or savored too much of superstition, or of human invention. The

changes in her ecclesiastical polity were likewise either retarded or accelerated accordingly as it suited the various tempers, sentiments, aims, or even the caprices and passions, of her successive sovereigns.

The first public announcement of the reformation in England was made by that splendid and pompous pa-geant wherein Henry VIII., attended by cardinal Woolsey and his retainers, executed the "bull" of the Roman pontiff which directed the writings of Luther everywhere to be destroyed.*

The reformation under Henry VIII.
Destruction of Luther's writings, May 12th, 1521.

The commendation bestowed upon the haughty monarch by the pope for this demonstration of his loyalty to Rome, excited in his bosom a thirst for future distinction, and he now entered the field of personal controversy with the great reformer. He composed and published a book entitled *A defence of the Seven Sacraments, against Martin Luther, by the most invincible King of England and France, Lord of Ireland, Henry, the eighth of that name.* He sent a copy of it to the pope offering at the same time to draw his sword, if necessary, still further to defend the church of Rome from the heresies of the reformation.

* D'Aubigne's reformation.

Controversy of Henry VIII., with Luther.

The pope, acknowledging the ability and pleased with the zeal of a prince whose adhesion to his cause was of such vital importance to him in the impending crisis, conferred upon Henry and attached to his crown, the distinguishing title of "Defender of The Faith:" But in doing so he was after all only raising up a more formidable source of antagonism to his own prerogatives of power. Elated with his triumph, and flattered by so signal a tribute to his ability, the vain and ambitious prince soon conceited that he was superior even to popes and cardinals, and claimed for himself and his crown the supremacy and infallibility which he had hitherto conceded to the pontificate. So elated did he become at length with the idea of spiritual sovereignty that he compelled the clergy in his own dominions to acknowledge him as the protector and supreme head

Tribute from the pope to Henry VIII.

Effect of the new title upon the King.

PART II.

NEW ENGLAND,

Under Henry VIII., 1531. of the church and its ministers and priests, in England.

His opposition to the Pope.

But it was not alone his ambition for temporal or spiritual power which prompted Henry VIII. to abjure the supremacy of the pope. It was the more passionate desire of personal freedom from the restraints imposed upon him by his holiness, in his refusal to divorce him from his first wife Catharine, and to sanction his marriage with the unfortunate Anne Boleyn. This it was that ruptured the last tie of his allegiance to Rome. He defied the Pope, desecrated the sacrament he had so ably defended, consummated the divorce and the marriage, and became himself in turn the object of as bitter fulminations as ever emanated from the Roman pontiff against the greater champion of the reformation. He and his kingdom were alike excommunicated, and given over to the direst anathemas of the vicergerent of God on earth. The separation from Rome was at length sealed, and the breach widened beyond all possibility of healing, by an act of parliament which declared and established the supremacy of the crown.

Supremacy of the Crown established by law. 1534.

But although Henry thus severed his kingdom from all allegiance to Rome, and desecrated and abolished the monasteries established by the papal priesthood, and made other reforms in the ecclesiastical policy of his administration; still, in order to sustain his supremacy in affairs of the state as well as the church, he found it necessary to retain and adopt many of the canons and ordinances of the Romish hierarchy. Hence it came to pass that the reformation in England in the outset, was simply a transfer, or exchange, of the supremacy of the pope for the supremacy of the crown. The spiritual as well as temporal prerogatives of the Roman

Modified form of the reformation.

Protestantism and the crown's supremacy.

pontiff were wrested from him only to be vested in the king. But the protestant element of the reformation was as much in conflict with the supremacy of the sovereign in matters of religion, as it was with the supremacy of the pope. A cardinal claim of the reformers

was, that the Bible should be generally disseminated among and freely read by the people. They so far succeeded in establishing this point that a copy of it was directed, by act of parliament, to be suspended in every parish church for the use of the people, in 1540. This act was repealed again two years afterward; and the reason given for its repeal, as stated in the preamble of the repealing act, demonstrates how powerful an agent the Bible had become in liberating the human mind from the shackles of despotism, superstition and oppression. The preamble recited—"that many seditious and ignorant persons had abused the liberty granted them of reading the Bible, and that *great diversity of opinion*, animosities, tumults, and schisms, had been occasioned by perverting the sense of the scriptures." It claims the free use of the Bible.

I have observed already that the triumph of the Bible was initiatory to the triumph of human freedom. Freedom of thought, freedom of opinion, freedom of the person and of speech, and freedom of worship, are its legitimate fruits. The personal elevation and improvement of man necessarily follows familiarity with its revelations, its faith, its doctrines, its promises, and its hopes. No pope, no king, can be recognized as supreme and infallible, either in the church or the state, where the sacred volume is freely disseminated and read among the people. Hence it does not surprise us to know that Henry VIII., himself to some extent a reformer, persecuted even to the last the reformers, and took the Bible from the people. The Bible the acknowledged source of freedom.

Edward VI. succeeded Henry VIII., and being in his minority, the kingdom came under the protectorate of the then Earl of Hertford, who, it is said, was favorably disposed toward the reformers, though not an avowed friend of the reformation. The establishment of a liturgy and an uniformity of worship, by act of parliament, during his protectorate, in conformity with the views of many of the reformers, had the appearance to the people of promoting the reformation, The reformation under Edward VI. 1547.

though it never touched the question of the crown's supremacy.

Succession
of Mary,
1553.

Edward VI. died after a reign of about six years, and Mary, the daughter of Henry VIII. by Catharine his first wife, ascended the throne. So far as the prerogatives claimed by the Roman church and its head, affected his own power and prerogatives in his own kingdom, Henry, her father, was a protestant. But "Mary was an avowed Romanist. Obstinate, proud, ambitious, bigoted and selfish; violent, cruel and malignant; revengeful, tyrannical and ill-natured, she cherished an inveterate hostility to the protestant reformers, which was embittered by the attempt made by the then Duke of Northumberland, their leader, to deprive her of the succession by placing the crown on the head of Lady Jane Grey. Her indignation was further roused by the opposition of her subjects to her marriage with Don Philip of Spain, and she made the whole nation the object of her resentment."*

*Hume and
Smollett.

Her bloody
persecu-
tions of
Protest-
ants.

The butcherous and bloody persecutions of her reign, whose instruments were the fire, the stake, the wheel, the gibbet, and the rack, convulsed the whole kingdom, and compelled many of the distinguished advocates of protestantism to fly from England. They were received with sympathy and found a more congenial home in various cities of the United Provinces. A large number of them collected at Geneva, where they associated together under the institutes of Calvin.

The re-
formation
on the ac-
cession of
Elizabeth,
1558.

On the accession of Elizabeth to the throne, and the apparent ascendancy of protestantism, for Elizabeth had been thoroughly educated in the principles of the reformation,* they returned again to England, with

*Hume and
Smollett.

deep-rooted hostility to those prerogatives of the crown which had prompted their persecution, ardently attached to their own institutions and observances, and with strong inclinations in favor of a republican form of government.

Their efforts, however, at a participation in the revis-

ion of the forms and observances of religion, and more particularly of what was called the liturgy, were unsuccessful. They found the queen not quite so liberal and yielding in her views as her proclamations and promises had led them to expect. Proud in the consciousness of her superior learning and abilities, as well as her accomplishments in the school of theology, she considered herself capable alone to undertake the task of expurgation. Guided in some measure, perhaps, by principle, but more by policy, she sought to conciliate the followers of Rome by retaining something of the pomp and show of external worship, rather than to provoke their hostility by any abrupt or wide departure from the canons and ordinances of the papal hierarchy.

The Reformation under Elizabeth.

Her revision of the forms, &c., of the Church.

Policy of Elizabeth.

But even the skillful policy of Elizabeth was not capable of adapting itself to the condition of her kingdom. Instead of conciliating the adherents of the Romish church, she found it necessary to recommend and adopt rigorous laws to secure her person and her crown against their treasonable designs, while the course she had already pursued towards them alienated from her the confidence of the reformers. Her fear of the former and her dislike of the political sentiments of the latter, infused a spirit of vindictive bitterness into her administration, which at length ripened into extreme intolerance. At the first meeting of parliament after her accession to the throne, an act was passed vesting in her the whole spiritual power. She might alone and at her discretion "repress all heresies, establish or repeal all canons, alter every point of discipline, and ordain or abolish any religious rite or ceremony."* In the exercise of these prerogatives, she devised a system of canons, discipline, and ceremonials, which was established as *The Church of England*, its canons and forms being still subject to the revision of the queen. In the further exercise of these powers, she issued a proclamation prohibiting all preaching, and

Her intolerance.

* Hume.

The Church of England established.

PART II.

NEW ENGLAND,

The Re-
formation
under
Elizabeth.

limiting the services of the church to the reading of the gospels and ten commandments, without comment or exposition, together with the litany and the Apostles' creed. These ordinances were opposed by the advocates of greater personal freedom in matters of religion, and the consequence was that many of the most distinguished and popular of the clergy were deprived of their benefices, fined, and imprisoned.

The
Crown's
supremacy
and Pro-
testantism.

The doctrine of the supremacy of the sovereign in all matters of religion was easily submitted to when the controversy existed only between the pope and the crown. But when it came to be applied as between the prince and the people, it assumed a far different aspect. The supremacy, therefore, of Rome on the one hand; the supremacy of the crown on the other; and the non-supremacy of either as to the people, formed the great dividing lines of parties during the reign of Elizabeth. This was in reality but the more tangible development of the true elements of freedom embodied in the protestantism of the reformation. The same spirit of liberty and independence which had prompted Henry VIII. from personal motives to proclaim the crown independent of the pope, now led the people to proclaim themselves independent of the crown in all matters of religion. The intrepid avowal of this liberty by the more zealous of the reformers, and their earnest determination to maintain it at all hazards, provoked the bitterest hostility of the crown, and agitated parliament to its very centre. A court was erected, called "THE HIGH COMMISSION FOR ECCLESIASTICAL AFFAIRS," whose trials were summary, whose decisions were arbitrary, and whose inflictions were almost as odious and cruel as the penalties of the inquisition. Confiscation, deposition, banishment, imprisonment and death, were among its pains. These, it is true, were inflicted mostly on the plea that the zealous hostility of the reformers to the religious establishment amounted to treason against the crown. And

Parties
originated
by it.

so it might, and the sagacious mind of Elizabeth probably foresaw that there was a political element inherent in the protestantism of the reformation which might one day weaken the secular arm of the sovereign, if it was not even then undermining its power. The difficulty was, that the civil and ecclesiastical administration of the kingdom were so intimately blended, that a reform could not be sought in the one, without essentially opposing, or perhaps even advocating the overthrow of the other.

The reformation under Elizabeth. Protestantism and supremacy inherently hostile.

But having reviewed it sufficiently for our present purposes, we must here leave the general subject, and turn our attention to that small and devoted band, of more humble and less erring piety, who chose rather to seek an asylum where they might follow the dictates of their own consciences without fear of provoking the inflictions of intolerance, or offending against the civil administration.

Though the reformers generally agreed in the sentiment of opposition to the prerogatives claimed for the crown in matters of religion, there still existed a variety of opinions among them respecting the authority of the church and her ministers; and the order and discipline of religious organizations. Parties were formed and sects originated, which, in different degrees, claimed also the right of association independently of the will of the priesthood, or the enactments of parliament. This, perhaps, was the first phase in which the protestantism of the reformation developed itself in opposition to the political administration of the kingdom. The tenets held by the most prominent of these associations were reduced to a system by one Robert Brown, a well educated and popular preacher, under which he collected together a large number of followers. He taught that the Established Church was itself corrupt, antichrist, that its ministers were unlawfully ordained, that its discipline, its ordinances, and its sacraments, were alike unscriptural and invalid, and prohibited all communion with it;

Parties among the reformers.

The Brownists; their tenets, 1586.

PART II.

NEW ENGLAND,

The re-
formation
under
Elizabeth.

that the scriptures taught that any association of christians, meeting to worship God, and united for that purpose, constituted in and of themselves a church, having exclusive control over all its affairs independent on any other sect or society, and amenable only to the great head of the church, Christ—that the priesthood was not a distinct order in the church—that the office itself did not confer any superior privileges or sanctity of character—that any man, qualified to teach, might be chosen from among the brethren for that purpose, and set apart to those functions by the laying on of their hands—that for cause shown he might also be by them deposed, or discharged from the ministerial office. He further insisted on a public profession of faith, and that the general affairs of the church, thus constituted, should be regulated by a majority of his members.

The
Brownists,
their
tenets.

Treatment
of the
Brownists.

It needs scarcely a moment's reflection to understand how a system so democratic in its principles, and admitting such a liberty of discipline, was calculated to provoke all the odium of the civil as well as the ecclesiastical jurisdiction of the kingdom. Doctrines esteemed so heretical and so damning, so wholly subversive of all the received and cherished maxims of government, could not be tolerated. Accordingly full and heavy were the vials of wrath poured out upon their devoted advocates. To render their situation still more embarrassing, their leader, Brown, was induced to abandon them and conform to the Established Church.*

* Butler's
U. States.
Robertson.

I am thus particular in noting the origin of these different sects or parties, because they have each and all contributed to give an indelible hue to the complexion of the governmental history of New-England. We may easily trace their quickening energy in the political regeneration of the old world, but it would be difficult for the historian or the philosopher to define the limit to their influence in moulding, shaping, nurturing and establishing, the institutions of civil and religious freedom throughout our own land.

The accession of James I. to the throne did not at all abate the rigor of the ecclesiastical policy adopted by Elizabeth. He persecuted, imprisoned, and banished. The followers of Brown, now called brownists, or independents, were made the special objects of his intolerance. To avoid its increasing fury they were compelled to flee from their native country, as they expressed it, *to enjoy purity of worship and liberty of conscience*. The accession of James I., and the reformation, 1603.

They sought refuge in Holland, where alone of all the countries of Europe full freedom of opinion in matters of religion was now tolerated.* They went to Amsterdam, where they were afterwards joined by the Rev. John Robinson and others. They placed themselves under his pastoral care and subsequently removed with him to Leyden, at which place they were established as a congregational church. Here the learning, piety, moderation and accomplishments of their pastor, and their own exemplary living, secured to them for several years a prosperous tranquillity. They gained the confidence and the good-will of the people, and but for fear of offending England would have received signal demonstrations of the public favor.† A few of their number, not finding their situation altogether congenial in so phlegmatic a neighborhood, began to grow discontented, when the settlements which were being planted in America by the first colony of Virginia drew their attention to the newly discovered country. They at once regarded that as a field opened by providence for the accomplishment of their purposes. There they could plant their church, and propagate their doctrines, both of faith and discipline, beyond the reach of ecclesiastical usurpation. Now too, an opportunity was presented for them to evince to an astonished world “what manner of spirit they were of.” They were not to be deterred by dangers or daunted by difficulties. They were not men whom trifles could discourage, or disasters and hardships overcome. Nor were they of that The Brownists flee to Holland. * Wilson’s U. S. Are joined by Robinson and remove to Leyden, 1609. † Winterbotham. They begin to look to America as an asylum.

PART II.

NEW ENGLAND,

The
Brownists
in Leyden
resolve to
move to
America,
1616-18.

sickly sentimentalism which would forego the accomplishment of exalted purposes, rather than break away from the ties and endearments of home, of kindred, or of country. By eleven years of banishment they "were well weaned from the delicate milk of the mother country, and inured to the difficulties of a strange land." To those of their number who hesitated they said, "the difficulties we may have to encounter are not invincible, and may be overcome by fortitude and patience. The ends we propose are good and honorable. The calling is lawful and urgent. The blessing of God may therefore be expected. We live but as exiles now, and are in a poor condition. The truce with the Spaniards is hastening to a close. Nothing but preparations for war are going forward. The Spaniards may be as cruel as the savages, and pestilence may be as sore in Holland as in America."

They apply
to the
Plymouth
Colony for
a grant,
1618.

In pursuance of this resolution they made an application to the second colony of Virginia, or the Plymouth company for a grant of land within the limits of its patent, to be accompanied with a license under the seal of the crown giving them permission to settle in America, and "to practice and profess religion in the mode which, by the dictate of their own consciences, they had adopted." James refused to give them any

The appli-
cation how
discourag-
ed.

such assurances of toleration, although he did not otherwise discourage the contemplated adventure. His refusal to accede to their wishes in this respect, however, deterred them from undertaking it. At a later period, finding the causes of discontent with their residence in Holland increasing, they consented to accept a grant from the company without requiring the

The appli-
cation re-
newed,
1620.

proposed license from the crown. They embarked at Delft Haven, in number about one hundred and

Embarka-
tion from
Holland,
Sept. 1620.

one souls, on the twentieth of September, 1620, and touched at Plymouth in England, where they procured their grant from the company, and proceeded on their voyage thence for Hudson's river. By some design on

the part of the captain of their vessel, supposed to have been instigated by the Dutch who claimed a right and were about to send there a colony of their own, or by the company in England, contrary to their own wishes and intentions, they were conveyed far to the north near Cape Cod.* Here they found themselves beyond the limits of the company's jurisdiction from whom their grant was obtained, but the season had now so far advanced it was thought inadvisable again to put to sea. Having appointed John Carver, one of their number, governor for one year, they proceeded to explore the coast in order to select a favorable spot for a settlement. On the tenth day of November they floated into a commodious bay, where they afterward landed and planted their new home.

Their arrival in America, Dec. 1620.

* Robertson, Winterbotham, Butler.

They land upon the coast of New-England.

Planted their home!—From the proud eminence on which we now stand, there is not in the whole range of historical observation, a more sublime or interesting spectacle than is presented in the history, the character, the condition, and the purposes of that small band of exiled emigrants to these shores. Neither the records of human enterprise, or of human adventure, present any parallel like this. The wildest vagaries of fiction cannot equal it. One hundred and one persons, in one frail vessel, embarking for an unexplored country four thousand miles distant from all civilized society! Home, kindred, country, abandoned; the hardships of a voyage over an unknown sea encountered; life itself periled!—and for what? They are poorly clad, and the shores on which they have landed are bleak with the chill winds of a rigorous winter. Their numbers are few, and they are surrounded by numerous savage and hostile tribes. They are indifferently supplied with the necessaries for subsistence, and they tread an uncultivated and a frozen soil. The bark which brought them hither still floats by the shore, and the home they have left is still open to their return—and why do they remain? Is it gold? Is it gain? Is it

Their condition and purposes.

PART II.

NEW ENGLAND.

The Brownists in New England, 1620. fame? Is it conquest? Is it plunder? Is it any one or all of these that they seek?—Let themselves and the sequel of their history answer.

Before they landed, they drew up the following compact:

Their compact of government. "IN THE NAME OF GOD, AMEN. We, whose names are underwritten, the loyal subjects of our dread Sovreign, King James; by the grace of God, of Great Britain, France and Ireland, Defender of the Faith: having Motive of their visit. undertaken, for the honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia, *do* by these presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together a civil body politic, for our better ordering, preservation, and furtherance of the ends aforesaid; and by virtue hereof, The covenant. do enact, constitute, and frame, such just and equal laws, ordinances, acts, institutions and offices, from time to time, as shall be thought most meet and convenient, for the good of the colony; unto which we promise all due reverence and submission.

November 11th, 1620."

Witness, &c.

Their settlement. This compact was signed by forty-one individuals, for themselves and families. I have already observed that no provision had been made in their patent from the company at Plymouth, which contemplated a landing so far to the north. Their embarrassments favorable to their adventure. This circumstance, seemingly so trivial and untoward, had an important bearing upon their interests and the objects of their enterprise. Having landed in a section of country where no authority of the crown had prescribed any special regulations, and beyond the reach of the grant they received from the company, they felt themselves more at liberty to adopt a plan of their own to govern their infant community; and on this desolate and dreary spot, by

this small band of neglected, despised, persecuted and betrayed exiles, was laid the foundation—"not of one institution, but of all the institutions, the settlements, the establishments, the communities, the societies, the improvements, the governments, this day comprehended within the broad and happy borders of New England."* *Edward

They styled themselves THE COLONY OF NEW PLYMOUTH, and erected a government vesting the adminis- * Edward
Everett.
Name of
the colony.

tration in a governor and one assistant, to be elected annually by the colonists. They provided also for a general assembly of the people to deliberate on all Form of
govern-
ment and
adminis-
tration. matters of common interest, when every freeman, being a member of the church, was permitted to vote.

The common law of England was their general guide in matters of legislation, but most of their juridical system and their municipal regulations, were borrowed from the institutes of Moses; and they adopted the principle of a community of goods, in imitation of the early christians.

It is a noble sentiment to be cherished by the citizen of an enlightened christian nation, one which enkindles the ardour and inspires anew the devotion of the patriot, that heaven smiled on the foundation of his country, and that its care has protected and still fosters her liberties and institutions. There is no other nation since the dispersion of the favored people of God, whose history presents so many and such irrefragable Providen-
tial inter-
position. proofs of an over-ruling providence as our own. The interventions of an omniscient agency are manifest even from the very cradle of her existence, and the christian historian cannot regard them with silence or indifference. As I have already remarked, the number of this band of adventurers, this germ of a future nation, was small, consisting now of about one hundred and three persons, male and female, old and young. Before the spring arrived, nearly half their number perished, either through exposure to the inclement clime, or by famine, or by disease. The survivors,

Condition of the colonists in their new home. 1620-21. afflicted and enfeebled, hardly able to provide for their own sustenance, were in danger of extermination from the hostility of the natives.

We close, for one moment, the volume of history and ask—what shall be their fate? Where in the wide range of human probabilities can they look for succor or assistance? Diminished in numbers, wasted by famine, debilitated by sickness, without the ordinary

Danger of extermination by the Indians. means for defence, four thousand miles removed from civilized society, how shall we calculate the chances for their preservation? They may indeed stretch their

How preserved.

aching eyes over the expanse of waters which rolled between them and the home of their kindred, hope they were not forgotten, and listen for a response as they breathed the Macedonian cry, "Come over and help us!" But in vain, all such expectations were delusive. Their kindred knew not their destiny. The opulent, the honorable, the powerful, or the mighty, cared not for them, or enquired as to their fate. How then shall they be preserved? We open again the volume of history, and find the record of their deliverance written in these words—"a pestilence appeared among the Indians, whose fearful ravages swept off entire tribes in a very few weeks, and those which remained were easily brought to terms of amity and conciliation."

Their reliance and strength.

Still it required all the consolations which the Bible could furnish to sustain them amid the trials which they were called to encounter—And these were sufficient. The undisturbed enjoyment of their religion, their true faith and their unwavering confidence in the future, enabled them to battle against all difficulties with an unparalleled firmness: And so they persevered with a calm resignation and unconquerable patience: With heroic fortitude and unfailing virtue they showed themselves equal to the trust committed to them. Others might smile at their folly and compassionate their weakness, but to the eye of their faith it was

revealed as with the light of a sun-beam that they were planting the home of civil and religious liberty for the benefit of all mankind. Thus trusting and believing, they lived and prospered, and soon subdued this inhospitable country so that it yielded them a shelter, and in time a comfortable subsistence. At the close of the fourth year their plantation contained one hundred and eighty persons, thirty-two dwelling-houses and "a fort composed of wood, lime and stone, with a tower upon it, which was erected on a mound in the centre of the town." *

* Marshall.

In 1625 the Rev. John Robinson died at Leyden, and the remainder of his congregation subsequently joined their brethren in New Plymouth. Having as yet received no title to the settlement which they occupied, they at this time made an application to the grand council of Plymouth, and obtained from them a grant of land, but without any charter of incorporation from the crown. Quiet and unmolested, more peaceful and tolerant than the settlements which grew up around them, they remained under the constitution of government which they had at first adopted—a voluntary association governed by laws and magistrates of their own choosing—until the year 1634.† when they were brought under the general jurisdiction of the Massachusetts Bay company. The history of this company must now claim our attention.

Further arrival from Leyden, Holland.

Grant from the Grand Council at Plymouth.

† Robertson, Butler's U. S. Mather's Magnalia.

The colony of New Plymouth, as we have seen, was not settled under the auspices of the second colony of Virginia, although it was planted on the territory comprehended within the limits of its jurisdiction in America. That company had indeed made no laudable, hardly any noticeable efforts to improve the condition of the country. Accordingly James I. issued a new patent to the then Duke of Lenox, the Marquis of Buckingham, and others, confirming to them a still more liberal grant of territory, powers and privileges,

Origin of the Massachusetts Bay Co.

PART II.

NEW ENGLAND,

Patent of James I. establishing the Grand Council of Plymouth, Nov. 3, 1620.

than were conveyed to the former patentees; and with provisions similar to those contained in the new patents granted to the first colony of Virginia.* This new company was styled THE GRAND COUNCIL OF PLYMOUTH FOR PLANTING AND GOVERNING NEW ENGLAND. This patent conveyed to the patentees "all the territory

* See Part I.

† 1 Hist. Rec. Mass.

between forty and forty-eight degrees N. L. And in length of and within all the breadth aforesaid throughout the main land from sea to sea.†" The motive ascribed to James I. in making this grant to persons whose wealth, rank, and influence, seemed to promise a more speedy accomplishment of the objects contemplated in establishing the former company, was a desire to prevent the occupation of the country by men professing the sentiments and bearing the name of the puritans.

Distinction between the Puritans and Brownists.

The names puritan and brownist are indiscriminately used by historians: And although there was a similarity in some of the essential features of their respective plans of church order which would seem to excuse the error, yet it is well known that the former, with a large proportion of the non-conformists, repealed many of the laws and ordinances of Brown. It should be borne in mind too, that the term puritan did not originate in England until after the brownists went to Amsterdam.‡ The latter were afterwards merged into an association called congregationalists under the pastoral care of the Rev John Robinson, and removed to Leyden, whence they came to New England, and, as we have seen, established the colony of New Plymouth.

‡ 1603-4.

Origin of the sect called Puritans.

§ See ante. PART I.

When Henry VIII. defied the pope in the matter of his marriage with Anne Boleyn,§ though he was prompted by an unholy purpose, it was nevertheless an assertion of personal freedom and independence extremely hazardous to his own prerogatives of political power. It was an avowal of personal liberty and personal responsibility which opened the way for as bold an assertion of personal independence among his own people. No matter how rapid or how tardy, how free or

how fettered on its way, the progress of the protestant element of the reformation had already raised the individual man in the scale of human estimation, and opened to his contemplation and his hopes new views of his importance and his responsibility, his rights and his duties. Hence the exorbitant prerogatives claimed for the crown, as well as for the church and its ministers, were considered in their bearing not only upon the religious freedom, but also upon the personal and political liberties of the subjects. To these sources we must refer the origin of those various factions, political and religious, which agitated the kingdom when James I. ascended the throne. I shall have occasion hereafter to refer to the former, and as to the latter it is sufficient here to remark, that from among them there arose two parties of protestants, both alike hostile to the papal authority, but differing widely as to the mode and the distance of their separation from its doctrines and its discipline. The one were the followers of Luther, the other of Calvin. The one became embodied in the English church, and the other composed the great body of dissenters who, variously and in different degrees, repudiated the order of ministers, ceremonials, institutes and canons, derived from Rome. Among the latter there was a party or sect, who held that the crown was no more the head of the church than the pope—that the church of England was itself papal and unlawful—that the authority claimed for her prelates was contrary to the freedom of the Bible—and that her offices, courts, and canons, were alike unwarranted by the word of God: They regarded all these as human assumptions, or impositions of the clergy, or corruptions and inventions which had crept into the church subsequently to the days of the Apostles, and refused to conform to them. Hence they were called separatists or non-conformists. From the zealous and intrepid perseverance with which some of them adhered to the Bible as the only rule of faith to man, and opposed these various claims and innova-

Origin of
the sect
called
Puritans.

Protestant
parties of
the reform-
ation in
England.

Separatists
and non-
conform-
ists.

Origin of
the sect
called
Puritans.

tions, contending for their total abolition and the restoration of "scripture purity," they were called puritans.

Princes and learned prelates, churchmen and bigots, a jealous priesthood and a prejudiced or ignorant laity, may think and speak of them as they will, but we have high historical authority for saying "that the precious spark of liberty was kindled and preserved, in defiance of the absolute authority claimed for the church and the crown, by the puritans alone. And it is to this sect, whose principles appeared so frivolous, and whose habits so ridiculous, that the English owe the whole freedom of their constitution."* The truth of history authorizes us to add, that to the same sect or party we owe the whole freedom of our own federal constitution, and every other constitution in our land.

* Hume.

The political
elements of
Puritanism.

They were the first to develop in their platform of principles the political elements of protestant freedom. Theirs was indeed the purity of protestantism. They claimed openly and distinctly, and they proved by practical reasoning and irresistible logical demonstration, that religious liberty and civil liberty were correlative and co-existent. That the one could not be fostered in its purity independently of the other. That the right to freedom of conscience and freedom of worship, necessarily involved the right of personal and political liberty.

James I.
and the
Puritans.

Before James I. ascended the throne he had taken considerable interest in the spread of protestant principles, and regarded the cause of the reformers generally with peculiar care. He had subscribed his name to the Scotch national covenant, had interceded for the persecuted clergy, and had even denounced the services of the established church as *an evil-said mass in English*. But no sooner had he received the crown and tasted the prerogatives of supremacy, than he forgot his own pledges, forgot the relation and rights of the subject, and became a violent persecutor; and he was more par-

ticularly violent towards the puritans. With a show of justifying his conduct, under the specious pretence of combating their political as well as religious notions, he consented to hold disputations with them at Hampton Court. The more furtive motive, however, was to ascertain who were their more powerful and prominent champions, that he might visit upon them the fury of his resentment; peradventure he might thereby dispirit and disperse their followers. But finding that these discussions served more to magnify their importance and to increase their numbers, he resorted to open persecution, and the whole power of his crown was exerted to exterminate them. At this crisis the prosperous condition of the small colony already planted at New Plymouth in America attracted the attention of the puritans in England. They saw them removed far beyond the reach of the cruelties of intolerance, and determined to seek an asylum on the same shores, where they, too, might enjoy their faith in freedom and full security.

His conduct towards them.

The Puritans propose to go to New England.

But James foresaw or apprehended the consequences should they be permitted to plant themselves independently in America, and incorporated the new company to which we have referred, under whose superintendence and control it was intended to bring the settlers of New-England. By this new patent the charter of the original Plymouth company was renewed and the privileges of the corporation were enlarged. But although it was endowed with such liberal prerogatives, all its attempts at colonization were unsuccessful. The patent conferred a monopoly of trade within its limits, and of fisheries in the adjacent seas. These provisions were complained of by the merchants and traders in England, were censured in parliament, and finally relinquished by the patentees, who in consequence abandoned the project of settling the country. "Thus" says Dr. Robertson, "New England must forever have remained unoccupied if the same causes which occa-

Failure of the patent to the grand council of Plymouth.

PART II.

NEW ENGLAND,

James favors the application of the puritans in consequence.

sioned the emigration of the puritans (Brownists or Plymouth settlers) had not continued to operate." It was doubtless a like conviction which induced the crown to acquiesce in the grant of a charter to them. For although they had made repeated applications, it was not till after this second company, which had been instituted for the express purpose, had abandoned all idea of a further attempt at a settlement of the country, that their application was at all respected.

Death of James I. and succession of Charles I., 1625.

James I. died in 1625, and the execution of the code he had devised for the government of his colonies in America was left to his son and successor, Charles I.

See Part I.

Soon after the accession of Charles I. through the efficient instrumentality of the Rev. Mr. White, an association was formed of men professing the sentiments of the puritans, who obtained from the grand

Grant from the grand council to the puritans, March, 19, 1627.

council at Plymouth, a grant of territory in New England "extending from three miles north of the river Merrimac, to three miles south of Charles' river, and from the Atlantic to the South Sea," or indefinitely into the interior of the country. This patent was executed to Sir Henry Roseville and others. They fitted out an expedition under Capt. John Endicott and

Settlement of Salem.

planted a settlement at Nahumkeek, now Salem, in the month of September following.

Elements of popular liberty in puritanism favorable to its growth as a party.

The elements of political liberty embraced in the protestantism of the puritans rendered it necessarily aggressive and impatient of restraint. It waited not for the full development of hostility to its principles before it assailed the barriers which stood in the way of its progress. And as its legitimate and inherent tendency was to an ultimate separation of church and state, it drew to its support, if not within the fold of its partizanship, many men of rank and opulence who yet cared not to concern themselves about its religious peculiarities. These were not the open or avowed advocates of its sentiments, but yet had sagacity enough to foregather from the arbitrary and reckless reign of

Charles I., that an asylum for freedom could not too soon be planted on the distant continent of America. Parliament itself began to be disturbed by the convulsive throes which now agitated the heart of the people, and by its discussions and enactments was drawn into the whirlpool of those discordant factions which were revolutionizing the kingdom. As the progress of puritanical sentiments became thus more rapid and rampant, hostility to them became more violent and virulent. Hence the more humble and devoted of their advocates became more eager to escape from the cruelties of a self-defensive intolerance, on the part of the church and the crown.

Puritanism increased by the hostility of the crown.

But most of them were without the means necessary to carry out their purposes of emigration, and they applied to their more opulent and influential friends to aid their enterprise. These, as I have intimated, were governed more by political aims, and were unwilling to rely upon a grant derived from a company whose power to transfer political privileges they at least questioned. They therefore proposed to the proprietors of the grant already obtained from The Grand Council at Plymouth, to apply directly to the crown for a patent which should include them by name, and invest them with full corporate powers, with the privilege also of locating the company in London. They accordingly applied for and obtained from Charles I. a patent containing the required provisions. They were established under it as a body politic and corporate by the name of THE GOVERNOR AND COMPANY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

The political elements of puritanism favorable to their purpose of emigration.

The Massachusetts Bay Company incorporated March 4, 1629.

This charter, after reciting former grants of the same territory to former companies, invested the new company with power to acquire and convey lands, to have a common seal, &c. Its administrative powers were vested in a governor, deputy governor, and eighteen assistants in London, who were in the first instance named by the crown, and were annually thereafter "to

General provisions of the charter.

PART II.

NEW ENGLAND,

The Mass. Bay Co. incorporated by Charles I., March 4, 1629.

be from time to time constituted, elected and chosen, out of the freemen of the said company for the time being." The legislative powers of the company were vested in the whole body of the proprietors, who were authorized "to make, ordain, and establish, all manner

General provisions of the charter.

of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, so as such laws and ordinances be not contrary or repugnant to the laws and statutes of the realm of England." Lands were to be holden by the company, and by the purchasers and settlers under them, by the most liberal conditions of tenure, "in free and common soccage and not *in capite* or by knight's service, yielding to the crown one-fifth part of all ore of gold and silver."

Quorum for transacting business.

The governor, deputy governor, with seven assistants, constituted a quorum for the transaction of business, "for the better ordering and directing of their affairs;"

General court; its sessions and powers.

for which purpose they were to meet once a month, "or oftener at their pleasures." The body of the proprietors constituted the general court of the company, which was to meet four times a year, "upon every last Wednesday in Hillary, Easter, Trinity and Mich'as Terms respectively;" for the purpose of admitting freemen to the freedom of the company, electing officers, and enacting laws and ordinances for its government and the government of its plantations in America. Power was also given to the patentees to transport all persons and things, "without paying custom for seven years," except such as should thereafter "by special name be restrained by the crown, its heirs or successors."

Exemption from taxes and imposts.

The company and settlers were also exempted from all taxes and imposts in New England for seven years; and for twenty-one years from imposts on exports except five per ct. after seven years. "All subjects inhabiting in the lands granted, and their children which shall be born within the plantation, to have and enjoy all liberties and immunities of free and native-born subjects of England." "The governor and deputy

governor of the company for the time being, or either of them, and any two or more of the assistants thereunto appointed by the said governor and company, at any of their courts, are fully empowered and required to administer the oath of supremacy and allegiance, or either of them, to all and every person or persons, which shall at any time hereafter go or pass to the lands and premises hereby mentioned to be granted to inhabit in the same."*

Incorporated by Charles I., March 4, 1629.

Oath of supremacy and allegiance.

* 1 Mass. Colonial Records.

Historians have speculated a good deal upon the supposed readiness with which the king granted to this company a patent containing such liberal powers and privileges, or, as they express it, "so free from the restraints which had hitherto been imposed by the crown." Wilson tells us that it was "a desire to relieve his kingdom from the religious and political agitations of the puritan party by opening for them an asylum in a foreign land." This was the very opposite of the motives ascribed to James I. in refusing to grant a similar application made by the puritans themselves, and is at variance with the subsequent interdict of the same monarch. Bancroft reasons,—that "the patentees could not foresee, nor the English government anticipate, how wide a departure from English usages would grow out of the emigration of the puritans to America." This may be strictly true as a matter of fact, and still it does not reach the question at issue. He says farther—"the charter, according to the strict rules of legal interpretation, was far from conceding to the patentees the freedom of religious worship." This also may be true, and still it does not help to decide the matter in controversy, the motives of the king in granting the charter. Grahame says, "By the puritans and the puritan writers of that age, it was sincerely believed, and confidently maintained, that the intentment of the charter was to bestow on the colonists *unrestrained liberty* to regulate their ecclesiastical con-

Motives for granting the charter assigned by Historians. See PART I.

Bancroft.

Grahame.

Motives for granting the charter assigned by Historians. stitution by the dictates of their own judgment and consciences." The difficulty with this supposition is, that "the puritan writers of that age" did not speculate upon the nature of the charter until years after the period when it was issued, and the puritans themselves were not placed in a condition to call for a controversy about its particular provisions until after the company to which it was granted had forfeited it to the crown, and they attained to the position of a colony in America.

Robertson. Dr. Robertson says, "the king seems not to have foreseen or suspected the secret intention of those who projected the measure;" and of this we have no doubt, as we have already intimated in the text. But to the point at issue. It is conceded on all hands, and the fact is so, that the charter did not contain any positive provisions or directions respecting the institutions and observances of religion, unless perchance the provision that their laws and ordinances should be agreeable with the laws of England, might be so construed. And we must confess, there is much ground for such an argument. But even then what becomes of the question in controversy, the motive of the crown in granting the charter so readily or at all? The truth of the matter is, there was no particular care taken, no particular skill exercised by and no particular motive operated with the crown other than what we have mentioned, a desire to occupy the country and to make it tributary to the resources of the kingdom. All other efforts having failed, the crown assented to the application of the puritans as the only prospect of settling New England. Nor was there anything in the provisions of the charter so peculiarly liberal as is contended. It was natural enough, after the company had been formed, and after its settlements had been planted and grew in America, and after the charter was declared forfeited, that the nature of its provisions should become a matter of speculation and controversy among all parties. But there was nothing in the circumstances to originate any

Real motives to the grant.

such discussion at the time it was procured. There was nothing in the character of the applicants for it to excite the apprehensions of the crown. Those of them who asked for the charter and openly avowed their intention to plant themselves in New England were known to be of the puritan faith. And although as a religious sect they were sufficiently obnoxious for Charles to rejoice in the prospect of their removal beyond the sea, still the existence of the puritan party as a political organization, was not, at this early period in his reign, sufficiently defined or known to excite apprehension or suspicion of any ulterior design in the application made for this charter. The proprietors of the company named in it were not open or avowed advocates of puritanical sentiments. They did not apply for the charter as a political party, or entirely as a religious sect, but as a commercial and trading corporation. Similar patents had been frequently issued to similar associations of his subjects, and each in its turn had failed of accomplishing its object; why should not another be permitted to try the same experiment? The corporation was to be located at London, its business to be transacted there, all under the immediate supervision of the sovereign. What objection then to its establishment? We dwell upon this point because it has a more important bearing on the actual development of free principles in America, and the claims afterwards made by our puritan fathers as colonists and subjects of Great Britain than at first appears. It must be remembered that the charter was issued to a commercial company to be located in London. How that company lost this character, and became *a colony of free-men in New England*, the sequel will show. The great error of historians has been in confounding the companies with the colonies, and not distinguishing between them.

The real motives for granting the charter.

Importance of this point.

But whatever controversy may thereafter have arisen, as to the designs of the crown, or the company, or as to the express or implied provisions of their charter, it is certain

that the proprietors of the patent were not deterred from prosecuting the objects they had in view; and the puritans did not hesitate to embark under their auspices.

First expedition under this Co., April, 1629.

The first expedition under the management of this corporation was fitted out in the month of April in the same year. It consisted of five ships and upwards of three hundred emigrants, all of whom were of the religious sect of the puritans, and were seeking a refuge from the persecutions of their native land. They reached the shores of New England in the month of July following, and settled themselves at Salem, where Capt. Endicott had already planted his infant colony.

Ordinance of the General Court for the government of the colony.

Previous to their departure from England the following proceedings were had in the General Court of the company in relation to the government of the colony.

"At a General Court, holden at London, the 30th day of April, 1629, by the governour and company of the Massachusetts Bay in NEW ENGLAND.

Recital of powers given by the Charter.

"Whereas the king's most excellent majesty hath been graciously pleased to erect and establish us, by his letters pattents, under the great seal of England, to be a body corporate, entitled The Governor and Company of the Massachusetts Bay in New England; and thereby hath endowed us with many ample privileges and immunities, with power to make good and wholesome laws, orders, and ordinances, for the better maintenance and support of the said privileges, and for the better and more orderly and regular government, to be observed in the prosecution and propagation of our intended voyages, and the plantation there; authorizing us to nominate, and appoint, and select, fit persons amongst ourselves for the managing, ordering, and governing of our affairs, both in England and in the places specified and granted unto us by virtue of his majesty's said charter, we have, in the prosecution of the said power and authority given us, and in conformity thereunto, and to the purpose and intent thereof, and not otherwise, thought fitt to settle and establish an absolute

government at our said plantation in the said Massachusetts Bay in New England; which by the vote and consent of a full and ample court, now assembled, is thought fitt, and ordered as followeth, viz.

“That thirteen of such as shall be reputed the most wise, honest, expert, and discreet persons resident upon the said plantation, shall from time to time and at all times hereafter, have the sole managing and ordering of the government, and order affairs there, who to the best of their judgments, are to endeavor so to settle the same as may make most to the glory of God, the furtherance and advancement of this hopeful plantation, the comfort, encouragement, *and future benefit* of us and others, the beginners and prosecutors of this so laudable a work.

Ordinance of the General Court for the government of the colony, April 30, 1629.

Local government of the colony.

Motives and aims.

“The said thirteen persons so appointed to be entitled by the name of The Governour and Councel of London’s plantation in the Massachusetts Bay in New England.

Title of the colonial government.

“And having taken into due consideration the merit, worth, and good descent of Capt. John Endicott, and others, lately gone over from hence with purpose to reside and continue there; we have, with full consent and authority of this court, and by erection of hands, chosen and elected the said Capt. John Endicott to the place of present governour in our said plantation.

Capt. Endicott appointed governor.

“Also, by the same power, and with the like full and free consent, we have chosen and elected Mr. Fra: Higgeson; Mr. Sam: Skelton; Mr. Fr. Bright; Mr. John Browne; Mr. Sam: Browne; Mr. Thos: Graves; and Mr. Samuell Sharpe, these seven, to be of the said councell, and do hereby give power and authority to the said governor and those seven to make choice of three others, such as they or the greater number of them, in their discretions, shall esteem and conceive most fitt thereunto, to be also of the said councell.

The colonial state council.

“And to the end that the former planters there may have no just occasion of exception as being excluded out of the privileges of the company, *the court are con-*

The Plymouth colony to choose two additional members.

PART II.

NEW ENGLAND,

Ordinance of the General Court for the government of the colony, April 30, 1629.

Deputy governor, how chosen.

Colonial secretary and other officers.

Oaths of office, how administered.

Term of office of governor, deputy governor, and council.

Vacancies by death or removal

tent, and do order, by erection of hands, that such of the said former planters as are willing to live within the limits of our plantation, shall be enabled, and are hereby authorized, to make choice of two such as they shall think fitt, to supply and make up the number of twelve of the said council, one of which twelve is, by the governour and council, or the major part of them, to be chosen deputy governour for the time being.

“*And further*, the court doth authorize and give power to the said governour and council, or the major part of them, (whereof the governour or deputy to be always one) to make choice of a secretary, and such other subordinate officers, to attend to them at their courts, meetings, or otherwise, &c., as in their discretions shall seem meet and needful.

“And we do hereby authorize ——— to administer unto the governour the oath to his place appertaining; and that the governour having taken his oath as aforesaid, shall administer the oath to the deputy appertaining to his place. And we do hereby authorize the governour or deputy, or either of them, to administer the oath to the rest of the council, and unto all others the several officers respectively, which said oaths are to be administered in a publique court, and not elsewhere.

“*It is further concluded on, and ordered* by this court, that the said governour, deputy and council before named, so chosen and established in their several places, shall continue and be confirmed therein for the space of one whole year from and after the taking the oath, or until such time as this court shall think fitt to make choice of any others to succeed in the place or places of them, or any of them.

“*And if it shall please God* that any of them, or any others to be hereafter chosen to any office there, shall depart this life before the expiration of the time they were so chosen; or for any misdemeanour, or unfitness, shall be held unmeet for the place he was formerly

chosen unto, that the governour or deputy and counsell, or the greater number of them, at an ample court assembled, shall have power, and hereby are authorized, not only to remove and displace such unfit person or persons, but also to nominate and choose a fit person or persons to succeed him or them so deceased, removed, or displaced as aforesaid, into the said place or places, for the residue of the time unexpired.

Ordinance
of the Gen-
eral Court
for the
govern-
ment of
the colony,
April 30,
1629.

“And it is further agreed on and ordered, that the governour for the time being shall have power, and is hereby authorized, to call courts and meetings in places and times convenient, as to his discretion shall seem meet; which power is hereby also conferred upon the deputy in the absence of the said governour; and the said governour or deputy, together with the said counsell, being chosen and assembled as aforesaid, and having taken their oaths respectively to their several places, they, or the greater number of them, whereof the governour or deputy to be always one, are authorized by this act, grounded on the authority derived from his majesty’s charter, to make, ordain, and establish all manner of wholesome and reasonable laws, orders, ordinances, and constitutions, (so as the same be no way repugnant or contrary to the laws of the realm of England,) for the administering of justice upon malefactors, and inflicting condign punishment upon all other offenders, and for the furtherance and propagating of the said plantation, and the more decent and orderly government of the inhabitants resident there.

Courts, by
whom
called.

Powers of
governor
and coun-
cil to make
laws, &c.

“It is further ordered, that a copy of all such laws, orders, &c., is from time to time to be sent to the company in London—and that a copy of the acts and orders made this present day for settling the government in the plantation of the Mattachusetts Bay aforesaid, shall be fairly engrossed, and sent under the company’s seal, subscribed by the governour and deputy,

Copies of
laws to be
sent to the
company
in London.

PART II.

NEW ENGLAND,

Ordinance of the General Court for the government of the colony, April 30, 1629.

by the speediest conveyance for New England that (can) be had.”*

A further provision for the settlement of the country was subsequently made at a general court of the company in London, as follows:

* 1. Hist. Records Mass.

Order for lands to be apportioned to settlers.

“*Thursday, 21st of May, 1629. This Court, taking into due and mature consideration how necessary it will be that a dividend be forthwith made of some competent quantity of land in the London plantation in New England; both for the present accommodation of the people lately gone thither, as well to build them houses, as to inclose and manure, and to feed their cattle on, have thought fit and ordered, that the governour, deputy, and council there, shall make a dividend accordingly, and allott the same unto the several adventurers and others as followeth, viz.: That two hundred acres of land be by them allotted to each adventurer, for £50 adventure in the common stock, and so after that rate, and according to that proportion, for more or less, as the adventure is, to the intent they may build their houses and improve their labors thereon.*”

Allowance of land.

Apportionment of lands how obtained.

Limitation in the allotment of lands.

Selection upon the allotment.

“That every adventurer in the common stock, or his servant for him, or on his behalf, shall make request or demand to the governour or deputy and council to have a portion of land allotted unto him accordingly; and if within ten days after such request or demand, the same be not set out and allotted unto him, then such person or persons are, by virtue of this act, permitted and authorized to seat him or themselves, and build his or their house or houses, and inclose and manure ground, in any convenient place or places not formerly built upon or manured; *provided*, that the land so made choice of by any such person or persons do not exceed in quantity the one-half of the land which is to be allotted unto him or them, by dividend, according to this order above written; with liberty also, when the first dividend shall be made, to take his or their

allottment of land as others do, in lieu of this, if in the mean time the first choice shall be disliked by them or any of them.

“And for further explanation of this act, it is thought fitt that if the platt of ground whereon the town is to be built be set out, and that it be publickly known to be intended for that purpose, that then no man shall presume to build his house in any other place (unless it be in the Mattachusetts Bay, and there according to such direction as shall be thought meet for that place;) and in case his allottment for building his house within the platt of ground set out for building of the town be not appointed unto him within ten days after demand or request to the governour or the deputy and counceel for the same, it shall be free for any, being an adventurer in the common stock, or his servant for him, or on his behalf, to build his house in any place within the said platt set out for the town, and to impale to the quantity of half an acre of ground for each £50 adventure in the common stock, unless a greater or less proportion be formerly determined by the governour and counceel, by which each builder is to be guided and directed.

Laying out of towns, and building regulations.

Adventurers in the common stock may choose building lot.

“It is further thought fitt and ordered, that all such as go over in person, or send over others at their own charge, and are adventurers in the common stock, shall have lands allotted to them for each person they transport to inhabit the plantation, as well servants as all others; which fifty acres of land, so allotted to servants or others, is hereby ordered to be to and for the use of his master or setter forth, being an adventurer in the common stock, to dispose of at his discretion, in regard the said master is at the charge of the said servant and others, their transportation, wages, and otherwise; but for such as, being no adventurers in the common stock, shall transport themselves and their families, it is ordered, that fifty acres of land shall (be) allotted and set out for the master of the family,

Allotment to adventurers not settlers.

Allotments of land to masters of families.

and such a proportion of land more, if there be cause, as, according to their charge and quality, the governour and council of the plantation there shall think necessary for them, whereby their charge may be fully and amply supported, unless it be to any with whom the company in London have or shall make any other particular agreement, to which relation is to be had in such case.

Conveyances how to be made.

“AND to the end every adventurer may the more safely and peaceably enjoy their said lands allotted unto them, or chosen by them, and the houses they build thereupon as abovesaid, *it is thought fitt and ordered by this court*, that conveyances shall be made thereof unto each particular man for the land he possesseth, in the company’s name, and the common seal of the company to be thereunto affixed by the governour and council there, at the charge of the company, which common seal is, by this court, *thought fitt and ordered* to be committed to the charge and keeping of the governour for the time being, and in his absence to his deputy there.

Colonial governor to have common seal.

Copies hereof to be forwarded.

“ALL which premises before mentioned the company do, by general consent, ratify, establish and confirm; and do also order, that copies of these acts shall be sent over to the governour and council there resident, subscribed by the governour, deputy, and six of the assistants here, and sealed with the common seal of the company.”*

* 1 Hist. Records Mass. 363.

Thus was framed the first colonial government of the first colony planted in New England under the immediate auspices and supervision of a company incorporated by the crown. In its resources, its plans and appliances, the company which planted Massachusetts Bay possessed advantages which insured a more rapid and effective settlement of the country than had fallen to the lot of the New Plymouth colony. Still to the latter belongs the distinguished pre-eminence of

Massachusetts Bay and New Plymouth.

having planted an independent settlement, nurtured by its own care, its own perils, its own labours, and its own toils; unaided and uncared for by any company or association in the mother country. It had demonstrated the practicability of planting a thriving settlement in the colder latitudes of North Virginia. It had, as it were, made the crooked places straight, the rough places smooth, and opened the way for a more genial entrance to those who now came to New England with more ample resources and a prouder patronage

Fraternal
union of
Mass. Bay
and New
Plymouth,
1629.

We have observed that the colony of New Plymouth was composed of members of the congregational association established at Leyden in Holland, under the Rev. John Robinson. These adventurers had left England some years previous to this date, and before the progress of the reformation had developed the political elements of freedom embraced in the protestantism of the puritans. They had thus been living for more than twenty years in far off exile, and were necessarily ignorant of the progress of free principles in the parent country. They were therefore unprepared for the latitudinarian notions entertained by those who now planted the colony of the Massachusetts Bay company at Salem. Hence it occurred that the settlers at New Plymouth were in some measure opposed to the outward form of worship and the order of church discipline adopted by the settlers at Salem, which seemed at first view to originate dissension among them. But upon a conference between the prominent church officers of the respective settlements, their difficulties were removed, and each colony adopted a nearly similar plan of church order, both of them expressly repudiating all affinity with the Established Church of England, and its ceremonials and forms of worship. The dissimilarity in their views, however, was shadowed forth by the Plymouth church calling itself Congregationalist, and the church at Salem calling itself Independ-

Religious
differences
of the two
colonies.

See ante.

The cause
of their dis-
similarity.

Their dis-
tinctive
plans of
church
order.

PART II.

NEW ENGLAND.

Significan- ent. It seems to us a distinction almost without a
 cy of their difference. Still it serves to mark the phases of pro-
 differ- testantism at the different periods when those who
 ences. planted the respective settlements left the home of
 their fathers. A few of their number expressed them-
 selves attached to some of the forms of the church of
 England, and being dissatisfied with their entire abo-
 lition, claimed the right to withdraw from the rest,
 and to associate together in a more distinctive organ-
 ization. Being otherwise radical in their views, they
 were summoned to appear before the governor and
 council at Salem, were condemned as movers of
 sedition and discord, and sent back to England.

Settlers
 sent back
 to Eng-
 land.

See 1 Hist.
 Rec. Mas.,
 407.

Character
 of this act.

It is not for the historian of our own day to pass sen-
 tence of condemnation on this seemingly illiberal act
 of these well tried pioneers of freedom. A philosophic
 and unbigoted judgment may rather discover in it the
 first development in New England of that priceless
 principle of republicanism, which lies at the founda-
 tion of all our institutions, submission to the will of the
 majority. True, we would not now apply it in matters
 of religious opinion, or of religious worship, or to bind
 the consciences of men. But we must remember that
 that political element in the protestantism of the puri-
 tans whose tendency was ultimately to separate the
 church and the state and vastly to liberalize both, had
 not yet developed itself in full maturity even in the
 mother country. We shall be careful as we proceed to
 note the different stages of its advancement in either
 country because its realization was and is peculiarly
 American.

Character
 of the per-
 sons ban-
 ished.

But apart from this, it would seem from the records
 of the London company at this date, that these persons,
 who, with their leaders were thus banished from the
 colony, were not altogether faultless, nor capable of
 becoming very contented or valuable residents. On the
 sixteenth day of October, the governor and company
 in London addressed letters to the ministers and gov-

ernor of the colony, of which the following are copies.
They are interesting and characteristic.

“To the Ministers.

Reverend Friends. There are lately arrived here (being sent from the governour, Mr. Endicott, as men factious and evil conditioned) John and Samuel Browne, being brethren ; who, since their arrival, have raised rumors (as we hear) of divers scandalous and intemperate speeches passed from one or both of you in your public sermons or prayers, in New England ; as also of some innovations attempted by you. We have reason to hope that their reports are but slanders, partly for that your godly and quiet conditions are well known to some of us ; and also for that these men, your accusers, seem to be embittered against you and Capt. Endicott for injuries which they conceive they have received from some of you there. Yet, for that we all know that the best advised may overshoot themselves, we have thought good to inform you of what we hear, that if you be innocent you may clear yourselves ; or, if otherwise, you may hereby be entreated to look back upon your miscarriage with repentance, or at least to take notice that we utterly disallow any such passages ; and must and will take order for the redress thereof as shall become us.

“But hoping, as we said, of your umblamableness herein, we desire only that this may testify to you and others that we are tender of the least aspersion which, either directly or obliquely, may be cast upon the state here, to whom we owe so much duty ; and from whom we have received so much favor in this plantation where you now reside. So, with our love and due respect to your callings, we rest

Your loving friends.

London, October, 1629.

R. SALTONSTALL,

ISA : JOHNSON,

MATT : CRADOCK, GOV'R.,

THO : GOFF, DEP'T,

GEO : HARWOOD, Treas.,

Letter
from the
governor
and com-
pany in
London to
the minis-
ters, Oct.
1629.

To Mr. Skelton and
Mr. Higgison.

JOHN WINTHROP,
THO: ADAMS,
SYM: WHETCOMBE,
WILLM VASSAL,
WM: PINCHON,
JOHN REVELL,
FRANCIS WEBB.

*Letter from the Governour and Company to Governour
Endicott.*

Letter
from the
governor
and com-
pany in
England to
the colo-
nial gov-
ernor, Oct.
16, 1629.

Character
of the per-
sons ban-
ished.

Opinion of
the com-
pany.

"SIR. As we have written at this time to Mr. Skelton and Mr. Higgison, touching the rumors of Jo: and Sam: Browne, spread by them on their arrival here, concerning some unadvised and scandalous speeches uttered by them in their public sermons or prayers, so have we thought meet to advertise you of what they have reported against you and them concerning some rash innovacions begun and practiced in the civil and ecclesiastical government. We do well consider that the Brownes are likely to make the worst of anything they have observed in New England, by reason of your sending them back against their wills for their offensive behaviour, expressed in a general letter from the company there. Yet, for that we likewise do consider that you are in a government newly founded, and want that assistance which the weight of such a business doth require we may have leave to think that it is possible some undigested counsels have too suddenly been put in execution, which may have ill construction with the state here, and make us obnoxious to any adversary.

"Let it therefore seem good unto you to be very sparing in introducing any laws or commands which may render yourself or us distasteful to the state here, to which (as we ought) we must and will have an obsequious eye. And as we make it our main care to have the plantation so ordered as may be most for the honour of God, and of our gracious sovereign, who hath bestowed many large privileges and royal favours upon this

company, so we desire that all such as shall, by word or deed, do anything to detract from God's glory, or his majesty's honor, may be duly corrected, for their amendment, and the terror of others.

"And to that end, if you know anything that hath been spoken or done, either by the ministers (whom the Brownes do seem tacitly to blame for some things uttered in their sermons or prayers) or any others, we require you, if any such things be, that you form due process against the offenders, and send it to us by the first, that we may, as our duty binds us, use means to have them duly punished. So, not doubting but we have said enough, we shall repose ourselves upon your wisdom; and do rest

General
advice.

Your loving friends.

Dated &c. as the former.

To the Gov'r, Capt. Endicott.

These letters evince a degree of caution in the management and operations of the company in London, which confirms what has been said of the manner in which their charter was obtained from the crown, and the political aims which prompted the proprietors of the patent to become interested in the enterprise of settling New England. They are tenderly careful that nothing should be done in the colony to excite repression or awaken suspicion of their designs. And although the principle of popular sovereignty, now practically shadowed forth by the people of Massachusetts Bay as an element of social and municipal organization, was not distasteful to the shrewd proprietors in England, still they felt called upon as a matter of policy "to have an obsequious eye" to the crown, and at least seemingly to rebuke its exercise. I have given their names in full because of the conspicuous position they afterwards held in the colony. They were not ordinary men; nor had they undertaken the performance of an ordinary experiment in instituting the company of

The company's letters to the ministry and governor of the colony, Oct. 1629.

Policy of the proprietors in London.

Their character and purposes.

which they were now the ruling spirits and guides. They foresaw, on both sides of the Atlantic, the dawning of a joyous era in the annals of nations and of mankind, and appreciated their own mission in connection with its development. They felt that their work at home was one of equal moment with that of their co-laborers who had only preceded them in their far off exile. Theirs was the task not only to uphold and strengthen the infant plantation, but also to anticipate and provide for the future day of their own proposed departure to the same nursery of freedom. It is a remarkable and a noticeable fact that before these letters were transmitted to the colony, the general court of the company had already privately agitated the question of removing themselves and their charter to New England.

Condition
of the
colony in
America.

Meanwhile the more adventurous exiles were experiencing their full share of toil and self-sacrifice on the distant coast. The hardships and perils encountered amid the severities of the winter which followed close upon the landing of the puritans at Salem; sickness, privation and famine, materially reduced their numbers both here and at the plantation of New-Plymouth. Had it not been for the religious faith and fortitude of the survivors, and the increasing cruelties of intolerance in the mother country, now perhaps might have terminated forever all hope of planting a permanent settlement on the shores of New England.

The char-
acter and
reign of
Charles I.

The disaffection which agitated the kingdom of Great Britain on the accession of Charles I. to the throne, was ripened into revolution by the circumstances of his reign. Succeeding to the sovereignty at the early age of twenty-five, he lacked that forethought and prudence which might have tempered his elevation. Though endowed with many excellent qualities which would have given lustre to a more private life, he was nevertheless without the capacity to understand, or properly to estimate, the political notions floating among the

people in the kingdom over which he was called to rule. The civil discord and religious enthusiasm which had been generated by the conduct of James I. now swayed the minds of his subjects with an almost absolute control. It required in the new sovereign a wise policy, skillfully devised, cautiously adapted, and well administered, to meet the exigences of his reign and to preserve and promote the interests of his crown. By elevating Dr. Laud to the highest ecclesiastical dignity in his kingdom, and conferring upon, or entrusting to him his own prerogatives of temporal power, he excited the odium of all protestant parties, and alienated forever from his person the affections of the great body of the people.* The counsels of the Arch-Bishop were readily heeded by the timid monarch, whose conduct offended and alarmed many men of rank and opulence who had hitherto looked rather indifferently on the contest. These now more actively entered the field, and espoused the cause of the puritans. Some did it from principle, and others for the sake of acquiring popularity. Puritanism thus began to develop more openly and forcefully the political elements of its protestantism; until it assumed at last the aspect of a political party as well as a religious organization. While thus it gained a more respectable footing, the spirit of intolerance and hostility grew more furious and relentless. Its cruel inventions appalled the minds of men, convulsed the nation, and caused many to look toward the asylum so fittingly opened in America. Besides the hostility manifested towards the puritans by the high church and tory parties during the reign of Charles I., the oppressions he himself practiced upon his people generally, in the arbitrary extension of the prerogatives of his crown, and his exorbitant and unconstitutional demands upon all classes of his subjects, produced a general discontent with his administration.

Condition of the kingdom on his accession.

* Robert-son. Hume.

Political develop-ments of puritan-ism.

Oppres-sions of Charles I. favored the puritan party.

The Massachusetts Bay Company in London with an eagle observation foresaw the progress of these causes

PART II.

NEW ENGLAND.

Further develop-
ment of
the aims
of the
Mass. Bay
Co.

Proposi-
tion to
transfer
the char-
ter, &c., to
New Eng-
land, Aug.
1629.

Action
thereupon.

Report and
decision
thereon.

Vote upon
the report.

of conflict and agitation, and anticipating its necessity had already quietly discussed the plan of removing their chief government to New England. "At a meeting of the general court of the company held at Mr. Dupuytes house, Mr. Deputy acquainted the court, that the especial cause of their meeting was to give answer to divers gentlemen, intending to go into New England, whether or no the chief government of the plantation, together with the pattent, should be settled in New England, or here.

"Whereupon it was ordered, that this afternoon Mr. Wright; Mr. Eaton; Mr. Adams; Mr. Spurstowe, and such others as they should think fit to call unto them, whether they were of the company or not; to consider of arguments against the settling of the chief government in New England.

"And, on the other side, Sir Richard Saltonstall; Mr. Johnson; Capt. Venn; and such others as they should call unto them, to prepare arguments for the settling of the said government in New England; and that to-morrow morning, being the twenty-ninth day of August, at seven of the clock, both sides should meet and confer and weigh each others arguments, and afterwards, at nine of the clock (which is the time appointed of meeting for a general court) to make report thereof to the whole company, who then will determine this business.

"At a General Court at Mr. Dupuytes house, the 29th of August, 1629. This day the committees which were appointed to meet yesterday in the afternoon to consider of arguments pro and contra touching the settling of the government of the company's plantation in New England, being according to the order of the last court met together, debated their arguments and reasons on both sides; where were present many of the assistants and generality; and after a long debate, Mr. Deputy put it to the question as followeth;

"As many of you as desire to have the pattent and

the government of the plantation to be transferred to New England, so as it may be done legally, hold up your hands: So many as will not, hold up your hands: "Where, by erection of hands, it appeared by the general consent of the company, that the government and patten should be settled in New England, and accordingly an order to be drawn up."

The company resolve to transfer their charter to New England, Aug. 29, 1629.

Although it does not appear that any objection was made to the proposition, on the part of those directly interested in the transactions of the company, yet its necessity was earnestly urged by the proprietors in view of the increasing emigration and the political as well as pecuniary interests at stake; a government, they contended, so far removed from its subjects, so wholly unacquainted with the country in which they were located, was not in a condition to know their wants, and must necessarily be ignorant of their embarrassments. The matter continued to be deliberated upon and discussed among themselves until it was brought to a termination on the twentieth of October, at a meeting of the general court of the company, "held at Mr. Goff the Deputy's house;" when, as the record reads,

"Mr. Governour acquainted those present, that the especial occasion of summoning this court was for the election of a new governour, deputy, and assistants, the government being to be transferred into New England, according to the former order and resolution of the company: But before the court proceeded to the said election, certain articles of agreement, conceived at a meeting yesterday between the adventurers here at home and the planters that are to go over, as well for the managing and settling of the joint stock, as for reconciling of any differences that may happen upon this change of government, were now read and recommended to the court for their approbation, and for the nomination and appointment of a competent number of committees to meet, and treat, and resolve of these businesses.

Articles in reference to the removal, Oct. 20, 1629. 1 Hist. Rec. Mass.

Proceedings of the general court in view of their removal to N. E., Oct. 20, 1629.

“The articles themselves were approved of, and Five Committees on either part were thereupon chosen, viz., Sir Richard Saltonstall; Mr. Winthrop; Mr. Dudley; Mr. Johnson and Mr. Humfry; for the planters: And for the adventurers was chosen Mr. Governour; Mr. Aldersey; Mr. Wright; Mr. Hutchins; and Capt. Venn: And in case the said committee, or the greater number of them, should differ in any one or more particulars, and not agree thereon, there was chosen for umpires, Mr. Whyte, the counsellor; Mr. Whyte of Dorchester; and Mr. Davenport; to whom the decision and determination of all such differences is referred, according to the tenure of the said articles of agreement.

Extension of the term of the committee.

“*And it being further taken into consideration, that, in regard to the shortness of the time limited to the committees, many things of weight and consequence in this so great a business may either not be at all thought on, or otherwise left unresolved by them and the said umpires, it is therefore thought fitt by this court that the said committee and umpires shall continue till the end of this term; and whatsoever material things for the good of the plantation shall in that time be treated on and resolved by them, the same to be as valid and effectual as if it had been done before the expiration of the time limited by the articles.*

The committee accessible to parties interested.

“*And it was further thought fitt that all such others of the company as will, may, from time to time, have access to the said committee, to propound such things as they conceive beneficial for the business, or to present their opinions in writing, but not to debate with them for interrupting their proceedings. All which being put to the question, was approved of, and, by erection of hands, ordered accordingly.*

Election of a new governor and council.

“*And now the court, proceeding to the election of a new governour, deputy, and assistants, which, upon serious deliberation, hath been and is conceived to be for the especial good and advancement of their affairs; and*

having received extraordinary great commendations of Mr. John Winthrop, both for his integrity and sufficiency, as being one very well fitted and accomplished for the place of governour; did put in nomination for that place the said Mr. John Winthrop; Sir Richard Saltonstall; Mr. Is: Johnson; and Mr. John Humfry; and the said Mr. Winthrop, was, with a generall vote and full consent of this court, by erection of hands, chosen to be governour for the ensuing year, to begin on this present day; who was pleased to accept thereof, and thereupon took the oath to that place appertaining. In like manner, and with like free and full consent, Mr. John Humfry was chosen deputy governor; and

John Winthrop
chosen
governor.

Deputy
governor.

Sir. R. Saltonstall,
Mr. Is: Johnson,
Mr. Thos. Dudley,
Mr. Jo: Endicott,
Mr. Noell,
Mr. Wm: Vassal,
Mr. Wm: Pinchon,
Mr. Sam: Sharpe,
Mr. Edw: Rossiter,

Mr. Thomas Sharpe,
Mr. John Revell,
Mr. Matt. Cradock,
Mr. Thomas Goff,
Mr. Aldersey,
Mr. John Venn,
Mr. Nath: Wright,
Mr. Theoph. Eaton and
Mr. Thomas Adams,

The coun-
cil.

were chosen to be assistants; which said deputy, and the greatest part of the said assistants, being present, took the oaths to their said places appertaining respectively."

Oaths of
office ad-
ministered.

Thus were the preliminary arrangements consummated for a removal of the government and charter of the Massachusetts Bay Company, the parent of the colony of Massachusetts Bay, and thus the company itself was transformed from a commercial corporation in London to a political colony in New England. It was a very bold and a very important step, and it is somewhat remarkable that a movement so revolutionary in its character should have been accomplished without attracting the observation of the crown. The proprietors of this liberally endowed commercial association, removing them-

The result.

PART II.

NEW ENGLAND.

Removal
of the gov-
ernment
and char-
ter of the
company
to New
England,
1629-30.

selves, their charter and their government to America, without even asking permission of their sovereign, was certainly a lofty exercise of political independence. Once across the Atlantic and they might feel themselves altogether free from the inspection and the control of the crown, and not subject to its immediate interference. Thus an opportunity would be afforded for a more easy and independent execution of their original plans, while those of the proprietors who, whether from motives of interest or of policy, remained at home, might more openly and fearlessly avow the political sentiments of the puritans.

Arrival of
the charter
in New
England,
1630.

The charter with the officers elected to the government of the company, arrived in New England in the month of June of the following year, and at the same time with them about fifteen hundred other persons who had embarked at an expense of £20,000, or about \$100,000. They landed at Cape Ann, near Salem, but not being satisfied with that location they planted themselves at Trimountaine, afterwards called Boston; which "all agreed," says Gov. Winthrop, "is a fitt place for a beautiful town;" they also laid the foundation of Roxbury and Charlestown: The governor, the deputy, and assistants chosen by the company in London, "conjunctly with all the freemen who should thereafter settle in New England," were vested with all the corporate rights, powers, and privileges, which had been conferred by the crown upon the original patentees.

The offi-
cers of the
Co. as-
sume the
govern-
ment of the
colony.

Governor
Endicott
takes the
oath of an
assistant.

Governor Endicott, till now the governor of the colony, having been appointed to a place in the council of assistants, on the election of John Winthrop to the office of governor, before the government was transferred from London, appeared on the seventh of September, and took the oath of an assistant in the presence of the general court then sitting at Charlton.

On the nineteenth day of October in the same year the general court commenced holding its sessions at

Boston; which continued from that time to be the chief town in the colony: At this session, "for the establishing of the government, it was propounded if it were not the best course that the freemen should have the power of choosing assistants when there are any to be chosen, and the assistants from among themselves to choose a governor and deputy governor, who, with the assistants, should have the power of making laws and choosing officers to execute the same? This was fully assented unto by the general vote of the people, and erection of hands."*

The colonial government after the transfer.

Recognition of the people as the source of power.

* 1 Hist. Rec. Mass., 79.

The first colonial election for governor, held subsequent to the removal of the government of the company to New England, was made "at a meeting of the general court holden at Boston, on the eighteenth day of May following, when John Winthrop, Esq., was chosen governour for a whole year next ensuing, by the general consent of the court, according to the meaning of the pattent, and did accordingly take an oath to the place of governour. Tho. Dudley, Esq., was also chosen deputy governour for this year next ensuing, and did in presence of the court take an oath to his place belonging."

The first colonial election, May, 1631.

"For explanation of an order made the last general court, holden the nineteenth October last, *it was ordered now*, with full consent of all the commons then present, that once in every year at least, a general court shall be holden, at which court it shall be lawful for the commons to propound any person or persons whom they shall desire to be chosen assistants; and if it be doubtful whether it be the greater part of the commons or not, it shall be put to the poll. The like course to be holden when they, the said commons, shall see cause for any defect or misdemeanor to remove any one or more of the assistants; and to the end the body of the commons may be preserved of honest and good men, it was likewise ordered and agreed, that, for time to come, no man shall be admitted to the freedom of

Further recognition of the people as the source of power.

Qualifications of freemen.

this body politic, but such as are members of some of the churches within the limits of the same."

Relations
of the col-
onists with
the In-
dians.

It is not surprising that so sudden and so large an influx of strangers among them should have awakened the serious apprehensions and hostility of the natives of the soil. We can well imagine the wild dismay with which these untutored children of nature, who had for so many ages roamed undisturbed through the sturdy forests of New England, gazed upon the pale faces, observed the curious customs, the habits, the habiliments, and listened to the unknown tongue of our puritan fathers. Day after day they forgot the chase and the dance, and watched them. Night after night they lighted their council-fires, and watched them. They consulted with their chiefs and their warriors, with their medicine men and their prophets, and with each other, and watched them. They implored the Great Spirit, and still watched and waited, and waited and watched, to see them vanish again whence they had come, in the blue mist which hovered over the waters that stretched far away into the world of the invisible. Still these mysterious forms went not away, still they stayed. They took possession of their lands, they cut down their venerated forest trees, they dug into their soil, they fished in their waters, they hunted upon their mountains, they trafficked by their lakes and rivers, and they erected their dwelling-places upon the very mounds where reposed the sacred ashes of their dead. Strange, passing strange was the vision it presented to their bewildered senses! Stranger still, in the economy of that providence whom we acknowledge, was the fate which it foreshadowed to their race.

Destruc-
tion of the
Indians by
the small
pox.

At this crisis a war with the natives seemed inevitable, but the small pox broke out among them, and in a very few weeks whole tribes were swept away. Who shall say how much the fatal ravages of the desolating pestilence were occasioned by the fear and anxiety pro-

duced in the mind of the Indian by the presence and the power of the white man? Can philosophy or faith be charged with weakness or credulity in believing it, in its work of death, the commissioned agent of the Almighty?

The tracts of country thus desolated were rich and well selected, and seemed vacated to open a ready and fit resting place for the thousands who now crowded to these shores "as clouds and as doves to their windows," to avoid the increasing cruelties of proscription and intolerance in the mother country. Towns and villages, thriving and beautiful, sprung up almost with the power of magic, and the hum of industry and civilization awakened the echoes of the long howling wilderness.

The result was a dispersion of the settlers from the immediate vicinity of their seat of government, where each freeman had been hitherto required to appear in person at the public meetings of the general court of the colony. Thus it became necessary for the inhabitants of the several towns or settlements to appoint delegates to appear fully empowered to act for them, upon all matters of general interest or importance.

Here again, as in Virginia, we mark the origin of that distinction which obtains between a republican or representative government and one purely democratic. The latter is practicable only in small communities, and is known only in the infancy of society; the former is the necessary result of its extension and distribution.

This form of government, however, was not fully carried into effect until the year 1634. In the month of April of that year, "notice being sent out to the general court to be holden the fourteenth day of May, *the freemen deputed two of each town* to meet and consider of such matters as they were to take order in at the same general court; who having met, desired a sight of the patent, and conceiving thereby that all their

Favorable
to the
growth of
the colony.

Develop-
ment of the
representa-
tive feature
in govern-
ment.

See PART I.

Represent-
ative form
of govern-
ment,
when and
how
adopted.

laws should be made at the general court, repaired to the governour to advise with him about it. He told them, that when the pattennt was granted, the number of freemen was supposed to be (as in like corporations) so few as they might well join in making laws, but now they were grown to so great a body as it was not possible for them to make or execute laws; but they must choose others for that purpose; and that howsoever it would be necessary hereafter to have a select company to intend that work, yet for the present they were not furnished with a sufficient number of men qualified for such a business; neither could the commonwealth bear the loss of time of so many as must intend it; yet this they might do at present, viz.: They might at the general court make an order that once in a year a certain number should be appointed, upon summons

Its neces-
sity recog-
nized.

*Gov. Winthrop's Journal. from the governour, to revise all laws, &c.; but not to make any new laws, but prefer their grievances to the court of assistants; and that no assessment should be laid upon the country *without the consent of such a committee*, nor any lands disposed of.”*

Represent-
ation and
taxation.

Chamber
of Deputies
chosen by
the people,
1634.

The result of this conference with the governor was the recognition of the committee, proposed as a chamber of deputies, at the session of the general court, in May, when the following important orders were made:

Orders of
the Gener-
al Court.

—“that no trial shall pass upon any, for life or banishment, but by a jury summoned, or by the general court.

Terms of
the Court.

“*It is likewise ordered*, that there shall be four general courts held yearly, to be summoned by the governour, for the time being, and not to be dissolved without the consent of the major part of the court.

Deputies
of the peo-
ple how
chosen.

“*It is further ordered*, that it shall be lawful for the freemen of every plantation to choose two or three of each town, before every general court, to confer of and prepare such public business as by them shall be thought fitt to consider of at the next general court; and that such persons as shall be hereafter so deputed

by the freemen of the several plantations to deal in their behalf in the public affairs of the commonwealth, *shall have the full power and voices of all the said freemen* derived to them for the making and establishing of laws, granting of lands, &c., and to deal in all other affairs of the commonwealth wherein the freemen have to do; the matter of election of magistrates and other officers only excepted, wherein every freeman is to give his own voice.”* Right of choosing public officers reserved to the people. * 1 Hist. Rec. Mass., 118.

These deputies or delegates, with the governor, deputy governor, and council of assistants, thereafter constituted the General Court of the colony. Thus was formed the first representative assembly ever held in New England, and the second held in America. The occasion evinces a further and more ripening development of the element of political liberty embraced in the protestantism of the puritans, than we have hitherto observed. This was its first free and full exercise. It recognizes the people as the source of all political power, and establishes this as a fundamental maxim in the organization of an essentially free government. Its practical elucidation and recognition, we are proud to say, is of purely American origin. See PART I.

In March, of the next year, it was provided by an order of the general court, “that there shall be four courts kept every quarter; one at Ipswich, to which Newberry shall belong; two at Salem, to which Sanguers shall belong; three at New-Towne, to which Charlton, Concord, Meadford and Watertown shall belong; four at Boston, to which Rocksbury, Dorchester, Weymothe and Hingham shall belong: Every of these courts shall be kept by such magistrates as shall be dwelling in or near the said towns, and by such other persons of worth as shall from time to time be appointed by the general court, so as no court shall be kept without one magistrate at the least, and that none of the magistrates be excluded, who can and will intend the same; yet the generall court shall appoint which of Establishment of Quarter and County Courts, 1635. Judges of County Courts, how designated.

the magistrates shall specially belong to every of the said courts."

Assistant judges, how appointed.

"Such persons as shall be joined as associates to the magistrates in the said court, shall be chosen by the general court, out of a greater number of such as the several towns shall nominate to them, so as there may be in every of the said courts so many as (with the magistrates) may make five in all. These courts shall try all civil causes, whereof the debt or damage shall not exceed x£, and all criminal causes concerning life, member, or banishment; and if any person shall find himself grieved with the sentence of any of the said courts, he may appeal to the next great quarter court, *provided*, that he put in sufficient consideration to present his appeal with effect, and to abide the sentence of the magistrates in the said great quarter court; who shall see that all such that shall bring any appeal without just cause shall be exemplarily punished.

Jurisdiction.

Right of appeal.

Terms of the great quarter or superior courts.

"There shall be four great quarter courts kept yearly at Boston, by the governor and the rest of the magistrates; the first, the first Tuesday in the fourth month, called June: the second the first Tuesday in September: the third the first Tuesday in December: the fourth, the first Tuesday in the first month, called March. The inferior courts shall be kept the first, the last Tuesday in June, and the rest the last Tuesday in every of the said months.

Of the inferior or county courts.

"All actions shall be tried at that court to which the defendant belongs.

Criminal offenders, where tried.

"All offenders which shall be in the prison at Boston at the time of any court there holden, shall be tried at that court, except in the warrant of his commitment he be reserved to the great quarter court; and it shall be lawful for the governour, or deputy governour, or any two magistrates (upon special and urgent occasion)

Special sessions.

to appoint courts to be kept upon other days than in this order are appointed.

"And whereas the most weighty affairs of this body

are now, by this present order, and others formerly made, brought into such a way and method as there will not henceforth be need of so many general courts to be kept as formerly, *it is therefore ordered*, that hereafter there shall be only two general courts kept in a year, viz: that in the third month called May, for elections and other affairs; and the other, the first Wednesday in October, for making laws, and other public occasions of the commonwealth, *provided* that the governor may, upon urgent occasion, call a general court at any other time, besides the two courts before mentioned.

“And whereas it may fall out that in some of these general courts, to be holden by the magistrates and deputies, there may arise some difference of judgment in doubtful cases, *it is therefore ordered*, that no law, order, or sentence shall pass as an act of the court, without the consent of the greater part of the magistrates on the one part, and the greater number of the deputies on the other part, and for want of such accord, the cause or order shall be suspended, and if either party thinks it so material, there shall be forthwith a committee chosen, the one half by the magistrates, and the other half by the deputies, and the committee so chosen to elect an umpire, who together shall have power to hear and determine the cause in question.”

Number of
general
courts
limited,
and terms
specified.

Proceed-
ings in the
general
court in
case of
disagree-
ment,
1636.

* I. His-
torical
records,
Mass.

Besides these provisions for the more perfect organization of the government of the colony, the general court seems to have been very much exercised by sundry religious differences which had sprung up in various parts of the country. As early as March, 1634, the court did “entreat of the elders and brethren of every church within this jurisdiction, that they will consult and advise of one uniform order of discipline in the churches, agreeable to the scriptures, and then to consider how far the magistrates are bound to interpose for the preservation of that uniformity and peace of the churches.”*

Religious
differen-
ces in the
colony.

The cause of these difficulties was attributed to the

PART II.

NEW ENGLAND.

Action of
the gene-
ral court
upon,
church
matters,
March,
1635.

existence of too much freedom allowed to settlers in locating their settlements in the colony. The matter having received the attention of the "elders and brethren" was brought before the general court, when the following proceedings were had in reference to it.

"Forasmuch as it hath been found by sad experience, that much trouble and disturbance hath happened both to the church and civil state by the officers and members of some churches, who have been gathered within the limits of this jurisdiction in an undue manner, and not with such public approbation as were meet, *it is therefore ordered*, that all persons are to take notice that this court doeth not, nor will hereafter, approve of any such companies of men as shall henceforth join in any pretended way of church fellowship, without they shall first acquaint the magistrates, and the elders of the greater part of the churches in this jurisdiction with their intentions, and have their approbation therein. *And further, it is ordered*, that no person, being a member of any church which shall hereafter be gathered without the approbation of the magistrates and the greater part of the said churches, shall be admitted to the freedom of this commonwealth."

Members
of certain
churches
not to be
admitted
as free-
men.

Election of
colonial
officers in
1636.

In May, 1636, a new election of colonial officers was had, when Henry Vane, Esq., was chosen governor, and John Winthrop, deputy governor and a member of the standing council for life. At this session of the general court a fine was imposed upon the freemen of Newberry "for choosing and sending to this court a deputy which was no freeman."

Revision
of laws.

"The governor, deputy governor, Thos: Dudley, John Haynes; Rich. Bellingham, Esq.; Mr. Cotton; Mr. Peters; and Mr. Shepherd, are intreated to make a draught of laws agreeable to the word of God, which may be the fundamentals of this commonwealth, and to present the same to the next general court. *And it is ordered*, that in the mean time the magistrates and

their associates shall proceed in the courts to hear and determine all causes according to the laws now established; and where there is no law, then as near the law of God as they can; and for all business out of court for which there is no certain rule yet set down, those of the standing council, or some two of them, shall take order by their best discretion, that they may be ordered and ended according to the rule of God's word; and to take care for all military affairs till the next general court."*

The Bible to govern in the absence of any special law.

* I. Hist. Rec. Mass., 174.

In order to give a more complete idea of the colonial government, its independent position, and the allegiance it demanded, we subjoin the following forms of oaths administered within its jurisdiction.

"*The oath of a resident.* I, A. B., being by God's providence an inhabitant within the jurisdiction of this commonwealth, do freely and sincerely acknowledge myself to be subject to the government thereof, and therefore do here swear, by the great and dreadful name of the ever living God, that I will be true and faithful to the same, and will accordingly yield assistance and support with my person and estate, as in equity I am bound, and will also truly endeavor to maintain and preserve all the liberties and privileges thereof, submitting myself to the wholesome laws made and established by the same; and further, that I will not plott nor practice any evil against it; nor consent to any that shall so do, but will timely discover and reveal the same to lawful authority, now here established, for the speedy preventing thereof; *so help me God in the Lord Jesus Christ.*"

Resident's oath of allegiance to the colonial gov't.

"*The oath of a Freeman.* I, A. B., being by God's providence an inhabitant and freeman within the jurisdiction of this commonwealth, do freely acknowledge myself to be subject to the government thereof, and therefore do here swear, by the great and dreadful name of the ever living God, that I will ever be true and faithful to the same, and will accordingly yield assistance and support thereunto with my person and estate,

Freeman's oath of allegiance to the colonial government.

Freeman's as in equity I am bound, and will also truly endeavor
oath. to maintain and preserve all the liberties and privileges
thereof, submitting myself to the wholesome laws made
and established by the same; and further, that I will
not plot nor practice any evil against it, nor consent to
any that shall so do, but will timely discover and reveal
the same, to lawful authority now here established, for
the speedy preventing thereof: Moreover, I do solemn-
ly bind myself in the sight of God, that when I shall
be called to give my voice touching any such matter of
this state, wherein freemen are to deal, I will give my
vote and suffrage as I shall in my own conscience judge
best to conduce and tend to the public weal of the body,
without respect of persons or favor of any man—*so help
me God in the Lord Jesus Christ.*"

Oath of the "The oath of the Governour. Whereas you are chosen
Governor and Assist- to the place of the governour over this jurisdiction for
ants. this year and till a new be chosen and sworn, you do
here swear by the living God that you will in all things
concerning your place, according to your best power
and skill, carry and demean yourself, for the said time
of your government, according to the laws of God, and
for the advancement of his gospel, the laws of this land,
and the good people of this plantation; You shall do
justice to all men without partiality; you shall not ex-
ceed (as much as in you lieth) the limitations of (a
governour or assistant) in your places."

Order lim- Similar oaths were administered to the deputy-gov-
iting the ernor and assistants, or members of the council, accord-
number of ing to their respective places. In September of this
Deputies to year the number of delegates to the general court was
the Gener- limited by an order as follows—"that, hereafter, no
al Court, town in the plantation that hath not ten freemen resi-
1636. dent in it shall send any deputy to the generall courts;
those that have above ten and under twenty, not above
one; betwixt twenty and forty, not above two; and
those that have above forty, three if they will, and not
above."*

* 1 Hist.
Rec. Mass.
178

Various action seems to have been taken by the general court, from time to time, respecting the preparation of a code of laws for the colony, but I do not find them anywhere embodied into a regular system. They seem to exist only in the form of general orders referring to some supposed code, which, if it had any actual tangible existence at this early period, has not been preserved among their records. Enough is recorded, however, and we have transcribed sufficient to enable us to discern the basis of their government, the religious as well as political elements which entered into its constitutional organism and forms of administration. Its grand, characteristic, and most imposing feature, was its recognition of a Protestant Christianity as essential to the existence of freedom in the social, municipal, and state organizations.

While the puritans sought to secure freedom of conscience and freedom of worship in matters of religion, they forgot not that there was also a political element in protestantism which more essentially conserved the existence of a free government and free institutions, whether social, political, literary or religious. Hence we find them establishing in this new world a framework of society, and institutions of government, of education, of humanity, and religion, which even in the infancy of their existence attract the wonder and admiration of mankind. They were of themselves. They were founded on no models in the past. Indeed theirs was an experiment so hazardous, so new, so unprecedented in the history of nations, so unsuspected even by the powers of the parent state—which saw them go forth more as exiles to be despised than as subjects to be cared for and nourished—that we are not surprised at the astonishment with which the crown and the mitre heard of their success; or the jealousy with which their free and independent assumptions of political power were now regarded.

Its protestantism.

Success of the colony, how viewed in England, 1636-38.

But it was not the crown alone, or the ecclesiastical

PART II.

NEW ENGLAND.

Success of the colony hierarchy alone, the whole people of England were alike astounded at the result. A well ordered commonwealth—*viewed in England, 1636-38.*—for that was the dignified language of their enactments—had arisen, as it were in a night, on the inhospitable shores of New England. Men looked towards it not only as religionists persecuted for opinion's sake, but also as politicians and statesmen, as merchants and tradesmen, as artisans and mechanics, as manufacturers and operatives: The commoner and the peasant as well as the diplomatist, the jurist, and the divine, each, all, now saw something attractive to them in this home opened to industry, enterprise, and freedom.

Opposition to it in England. The Crown was alarmed. Archbishop Laud, enraged that so many victims of ecclesiastical censure were escaping across the waters, appalled at the growth of the puritan party in England, and the increase of their settlements, their population, and power, in New England, prevailed upon Charles I. to issue a special proclamation prohibiting all masters of vessels from transporting any persons whatever to America, without a license from the crown or some magistrate. Among the number of those who had prepared to emigrate, and were prevented by this interposition of the royal prerogative, was Oliver Cromwell. He had actually sailed, but the vessel in which he had embarked meeting with contrary and tempestuous winds, was driven back into port, and thus he became a subject of this interdict.*

Emigration to New England prohibited.

Oliver Cromwell and others restrained by it.

* Robertson. Winterbotham. When we think of his after career, his restless spirit, his sturdy and aspiring intellect, we cannot help losing ourselves in speculating upon the probable results to America, to mankind, had he then carried his purposes into execution. But it was his career at home, the revolution which he afterwards accomplished in England, which gave a new complexion to the aspect of affairs in the mother country, and to the condition of the colonies in America, and tended to stamp still more indelibly upon the puritan settlements of New England the political features which they had already exhibited.

Consequences of the interdict.

Under his protectorate laws were enacted by them securing to themselves the most liberal benefits; and it was during the disturbances of his administration that they took occasion to associate in a confederacy which formed a bond of union and sympathy between them never thereafter to be broken or sundered.

The crown, at the further instigation of Archbishop Laud, established or appointed a council of "commissioners for foreign plantations," to investigate the affairs of the companies which had planted the settlements in America. Laud was placed at the head of this council. Among other things, they were directed "to cause the revocation of such letters patents as were unduly obtained, or contained grants of powers and privileges infringing upon the royal prerogatives." The result of this investigation was, that The Grand Council at Plymouth surrendered back its patent to the crown. This laid the foundation for a writ of *quo warranto*, which was issued against the governor and company of the Massachusetts Bay, and upon which it was adjudged, that by removing it to New England the company had forfeited its charter. We cannot question the justice of this adjudication, but it does not appear that any proceedings were instituted in pursuance of it further than that the council of commissioners ordered the governor and company to send their charter back to England to be canceled.

Further order of the crown.

Writ of *quo warranto* issued against the Massachusetts Bay Co., 1638.

Its charter ordered to be delivered up.

Governor Winthrop says that this order was produced before the general court of the colony, when "it was agreed that whereas a very strict order was sent from the lords commissioners for foreign plantations, for the sending home our patent, upon pretence that judgment had passed against it upon a *quo warranto*; a letter should be written by the governour in the name of the court to excuse our not sending it: For it was resolved to be best not to send it, because then such of our friends and others in England would conceive it to

Colonial action upon the order, June 7, 1638.

PART II.

NEW ENGLAND.

Colonial
action on
the order
to give up
the char-
ter, 1638.

be surrendered, and that thereupon we should be bound to receive such a governour and such orders as should be sent to us ; and many bad minds, and some weak ones among ourselves, would think it lawful if not necessary, to accept a general governor.”*

Letter to
the com-
missioners.

This letter was afterwards drawn up by Governor Winthrop “by way of honorable petition.” Its cautious and prudent language was—“we dare not question your lordships’ proceedings in requiring our patent to be sent unto you ; we only desire to open our griefs, and if in anything we have offended his majesty, or your lordships, we humbly prostrate ourselves at the footstool of supreme authority : We are sincerely ready to yield all due obedience to both : We are not conscious that we have offended in anything *as our government is according to law* : We pray that we may be suffered *to live in the wilderness*.”* The transmission of the patent was thus evaded and postponed.

*Win-
throp’s
journal.

The trans-
formation.

Thus again it was that this commercial corporation, established in London under the eye of the crown, became a well-ordered municipal organization in New England. Thus under the triple aspect of religious zeal, commercial enterprise, and political partizanship, puritanism succeeded in establishing an independent colony in America. The moment and the circumstances were singularly opportune, whether we regard the aspect of affairs in the mother country or in the colony itself. The revocation of the charter to the company, whether it was delivered up to be canceled or not, was deemed also to have canceled the conditions of allegiance to the crown for which the charter stipulated : The king’s interdict upon emigration kept at home the elements of a revolution hazardous alike to his person and his crown, which might otherwise have been spent in building up the new country : And thus the Massachusetts Bay company, now a thriving colony on the coast of New England, was left to be the arbiter of its own government and institutions, while the parent state was

Position of
the colony.

being convulsed by scenes of anarchy, confusion, and civil war. It is well said by Dr. Robertson, that "from this period we must consider this colony, not as a corporation whose powers were defined, and its mode of procedure regulated by its charter, but as a society which, having acquired political liberty, had by its own voluntary deed adopted a constitution of government framed on the model of that of England:" But, we may add, in many of its most essential and interesting features widely different.

The domestic troubles which soon after visited Charles I., a monarch more weak than wicked, brought his head to the block, dispersed the commissioners appointed to superintend the offices of his colonies in America, and preserved their charter to the governor and company of the colony of Massachusetts Bay.

The governor, deputy governor, and council of assistants, with the deputies or representatives, sat as one house until the year 1644, when they were divided into two branches. The governor, deputy governor and assistants, forming the upper branch, and the representatives the lower, each of which had a negative upon the acts of the other.

Charles I. was executed on the thirtieth day of December, 1649, when the parliament succeeded in assuming those attributes and prerogatives of sovereignty for which it had so long, and in many respects so wrongfully, contended with the crown. This might be called the transition state of the political elements of freedom, embraced in the protestantism of the puritans. It was, at its commencement at least, nothing more or less than anarchy in religious, and anarchy in civil matters. Between the arbitrary exactions of tyranny in the church and state on the one hand, and the extravagant demands of licentious factions on the other, liberty and religion had fallen into a state of absolute chaos and confusion. This condition of things resulted in the establishment of what was called "the

Domestic troubles of Charles I.

Constitution of the general colonial assembly, 1644.

Suspension of the royal power in England.

The common-wealth.

PART II.

NEW ENGLAND.

The commonwealth and the protectorate of Cromwell, 1649-60.

commonwealth," wherein the parliament became the supreme power in the state. This was again changed by Oliver Cromwell, who, at the head of an army, entered parliament and wrested from its grasp those very attributes and prerogatives which parliament had plundered from the crown. Hence originated the form of government called the protectorate. Oliver Cromwell was its embodiment. But neither in his political, his religious, his social, or his domestic character, was he the fit representative of true freedom. Liberty lived indeed, but she survived only as it were by gasping through the foetid atmosphere and painful throes of his turbulent administration. When he died no one was found capable of controlling the elements, or riding the storm, or healing the maladies which oppressed the nation. Sovereignty, liberty, religion, life and property, were tossed about between the various factions, political and religious, civil and ecclesiastical, existing in the army, in parliament, in the church, and among the people, until the monarchy was again restored, and Charles II. was proclaimed the true and only lawful sovereign of England.

Favorable to the progress of freedom in America.

These convulsions which so sickened the parent state, hardly disturbed her distant colonies in America. The causes which in the former were producing anarchy, cruelty, revolution and bloodshed, were in the latter developing new features in civilized society, opening the resources of a strange land, establishing the institutions of freedom and religion on a purer and more enduring basis, and producing the richer fruits of law, order, and good government. This, if we may so express it, was the Americanism of protestantism, and must ever make protestantism dear to all true Americans.

The restoration of the monarchy under Charles II., 1660.

Charles II. returned to London and took possession of the throne of his father on the eighth day of June, 1660. The commencement of his reign was the reaction of monarchy as it struggled up from among the

discordant elements which had disrobed it of its supremacy, and tarnished the lustre of its diadem. It inflicted its revenge by acts of injustice, cruelty, and wrong, which make humanity shudder with abhorrence. Not only the living, but the dead also, were made the objects of its hideous resentment. The judges who had condemned Charles I. were sentenced to a terrible retribution. The bodies of Cromwell and his coadjutors were plucked from their graves and desecrated with a refinement of malice at the manifestations of which even demons might stand dismayed. Mournful indeed was the ordeal through which his kingdom was compelled to pass before the numerous factions which had convulsed it seem to have subsided under Charles II. The political as well as the religious elements of protestantism, however, continued to swell the ranks of the puritan party, which was still kept alive by the efforts made to enforce the religion and the ritual of the established church, and to reinstate the crown in full supremacy.

The reaction of monarchy upon its opposing elements.

The colony of Massachusetts Bay had admitted neither the prerogatives claimed for the crown, nor the powers assumed by parliament, and refused to yield obedience to the mandates of the commonwealth and the protectorate. The colony of Virginia, as we have elsewhere observed, though it surrendered to the commissioners of the commonwealth, nevertheless virtually declared itself in favor of the regal power by enactments condemnatory of the execution of Charles I.; while it also eagerly hastened to tender its obeisance upon the restoration of the monarchy in the person of Charles II. His government over them would have been of an arbitrary and oppressive character had they not grown to a degree of strength which enabled them to defeat the encroachments attempted upon their rights and independence. The ready loyalty of Virginia was rewarded by many acts of favoritism, while the colony of Massachusetts Bay was pursued with a

The restoration and the colonies in America.

Part I.

PART II.

NEW ENGLAND.

Under spirit of unrelenting hostility. Three of the judges Charles II., who sat in judgment over Charles I., fled to New England, and were there shielded from the royal resentment, which drew towards those colonies the fierce indignation of the crown. Besides this the commercial regulations established by what were called the navigation acts* met with a resolute resistance and evasion in the colony of Massachusetts Bay, and drew from its general court, from time to time, protests, resolutions, and remonstrances, in which they set forth and vindicated, ably and effectively, their own rights, and prescribed limits beyond which neither the power of the crown, or the interference of parliament, could be tolerated.

* See Part I, Gov. Berkeley's report.

Board of commissioners appointed by the crown, 1664. These spirited exhibitions of political independence were regarded as indicating a disposition to throw off entirely their allegiance to the sovereignty of the parent state; and a board of commissioners was appointed to examine into and regulate their affairs. The presence of these commissioners among them was hardly respected, and their authority was wholly set at nought by the general court of the colony, while they still hesitated not to avow their allegiance to their sovereign lord the king. While they thus maintained with a determinate and persistent consistency the liberties which they had acquired by so much suffering and self-sacrifice, there was still in the noble hearts of our puritan fathers a degree of loyalty which well deserved the admiration and sympathy of the crown. These characteristics are beautifully and effectively portrayed in their simple and touching appeal from the arbitrary proceedings of the king's commissioners, remonstrating against their interference in the affairs of the colony, wherein they conclude—"let our government live; our charter live; our magistrates live; our laws and liberties live; our religious enjoyments live; so shall we all yet have further cause to say from our hearts, *let the king live forever.*"

How treated in Mass. Bay.

Their appeal from the commissioners to the crown.

How far it may have originated in the licentious

spirit of the age we leave for casuists and physiologists to determine, but it is a singular fact in connection with the progress of freedom in England and America, that at about this time *the plague* made its appearance and its fearful ravages in London. This, together with the great fire which broke out the next year, laying nearly the whole city in ruins, again diverted the attention of the crown and its commissioners from its colonies in America, and left them in the unrestrained enjoyment of their charters, and their liberties; while they tended also to promote the interests and increase the strength of puritanism in England.

Under Charles II., 1660-85.

The plague in London, 1665.

“One great benefit the plague brought to the city,” (of London), says the Rev. Richard Baxter, who lived in the midst of it, “it occasioned the silenced ministers more openly and laboriously to preach the gospel, to the exceeding comfort and profit of the people, insomuch that to this day the freedom of preaching, which this occasioned, cannot by the daily guards of soldiers nor by the imprisonment of multitudes be restrained. The ministers that were silenced for non-conformity, had ever since 1662 done their work very privately and to a few; not so much through their timorousness, as their loathness to offend the king, and in hope that their forbearance might procure them some liberty, and through some timorousness of the people that would hear them. When the plague grew hot, most of the conformable ministers fled, and left their flocks in the time of their extremity; whereupon divers non-conformists, pitying the dying and distressed people, who had none to call the impenitent to repentance, or to help men to prepare for another world, or to comfort them in their terrors, when about ten thousand died in a week, resolved that no obedience to laws of mortal men whatsoever, could justify them in neglecting men’s souls and bodies in such extremities. They, therefore, resolved to stay with the people, and to go into the forsaken pulpits, though prohibited, and to preach to the poor people before they

Effect of the plague upon the progress of civil and religious liberty.

Under Charles II., 1660-85. died; also to visit the sick and get what relief they could for the destitute, especially those that were shut up. Often those heard them one day, who were sick the next, and quickly dead. The face of death did so waken both the preachers and the hearers, that preachers exceeded themselves in lively, fervent preaching, and the people crowded constantly to hear them. All was done with great seriousness, so that, through the blessing of God, abundance were converted from their carelessness, impenitency, and youthful lusts and vanities; and religion took such hold on many hearts, as could never afterwards be loosened."

The great fire in London, 1666.

And speaking also of the great fire in London, the same writer says:—"thus was the best and one of the fairest cities in the world turned into ashes and ruins in three days' space, with many scores of churches, and the wealth and necessities of the inhabitants. It was a sight which might have given any man a lively sense of the vanity of this world, and of all its wealth and glory, and of the future conflagration, to see the flames mount towards heaven, and proceed so furiously without restraint; to see the streets filled with people, so astonished that many had scarcely sense left them to lament their own calamity; to see the fields filled with heaps of goods, costly furniture, and household stuff, while sumptuous buildings, warehouses, and furnished shops, and libraries, &c., were all on flames, and none durst come near to secure anything. To see the king and nobles ride about the streets, beholding all these desolations, and none could afford the least relief; to see the air, as far as could be beheld, so filled with the smoke, that the sun shined through it with a color like blood, yea even when it was setting in the west, it so appeared to them that dwelt on the west side of the city. But the dolefullest sight of all was afterwards, to see what a ruinous, confused place the city was, by chimneys and steeples only standing in the midst of cellars and heaps of rubbish, so that it was hard to

know where the streets had been, and dangerous for a long time to pass through the ruins, because of vaults and fire in them. No man that seeth not such a thing can have a right apprehension of the dreadfulness of it.”

Under Charles II., 1660-85.

“Some good, however, rose out of all these evils. The churches being burnt, and the parish ministers gone for want of places and maintenance, the non-conformists were more resolved than ever to preach till they were imprisoned. All kept their meetings very openly, and prepared large rooms, and some of them plain chapels, with pulpits, seats and galleries, for the reception of as many as could come. The people’s necessity was now unquestionable. They had none other to hear, save in a few churches that would hold no considerable part of them; so that to forbid them to hear the non-conformists, was all one as to forbid them all public worship, to forbid them to seek heaven when they had lost almost all that they had on earth, to take from them their spiritual comforts after all their outward comforts were gone. They thought this a species of cruelty so barbarous, as to be unbecoming any man who would not own himself to be a devil. But all this little moved the ruling prelates, saving that shame restrained them from imprisoning the preachers so hotly and forwardly as before. The Independents also set up their meetings more openly than formerly, and many, who were their leaders, came to the city; so that many of the citizens went to those meetings called private, more than went to the public parish churches.

Effect of the great fire on the progress of civil and religious liberty.

“At the same time it also happily so fell out that the parish churches which were left standing had the best and ablest conformists in them. So that the moderate class of the citizens heard either sort in public and private indifferently:” While those on one extreme reproached all men’s preaching save their own as being seditious conventicles; and those on the other extreme

* Orme’s Life and Times of Richard Baxter, Vol. I.

Under
Charles II.,
1660-85.

would hear none that did conform; or if any heard them, they would not join in the common prayers or the sacraments.—About this time the talk of liberty of conscience was renewed, whereupon many wrote for it.”

Effect of
the great
fire on the
progress of
civil and
religious
liberty.

“The ministers of London who had returned to keep open meetings in their houses, and preached to great numbers contrary to the law, were, by the king’s favor, connived at; so that the people went openly to hear them without fear. Some imputed this to the king’s own inclination to liberty of conscience; some to the Duke of Buckingham’s prevalency, and some to the papists’ influence, who were for liberty of conscience for their own interest. But others thought that the papists were really against liberty of conscience, and did rather desire that the utmost severities might ruin the puritans, and cause discontents and divisions among ourselves, till we had broken one another all into pieces, and turned all into such confusion as might advantage them to play a more successful game than ever toleration was likely to be. Whatever was the secret cause, it is evident that the great visible cause, was the burning of London, and the want of churches for the people to meet; it being, at the first, a thing too gross, to forbid an undone people all public worship with too great rigor; and if they had been so forbidden, poverty had left them so little to lose as would have made them desperately go on.”

“Whatever was the cause of the connivance, it is certain that the country ministers were so much encouraged by the boldness and liberty of those of London, that they did the like in most parts of England, and crowds of the most religiously inclined people were their hearers. Some few got, in the way of traveling, into pulpits where they were not known, and the next day went away to another place. This, especially with the great discontents of the people for their manifold payments; and of cities and corporations for the great

decay of trade, and breaking and impoverishing of many thousands by the burning of the city ; together with the lamentable weakness and badness of great numbers of the ministers that were put in the non-conformists' places, did turn the hearts of most of the common people, in all parts, against the bishops and their ways, and inclined them to the non-conformists, though fear restrained them from speaking what they thought, especially the richer sort." *

Under Charles II., 1660-85.

* Orme's Life and Times of Richard Baxter, Vol I.

Thus we see how the elements of freedom embraced in the protestantism of the puritans were at work, infusing its principles of toleration and of philanthropy into the minds, and commending them to the hearts of the people. Quieting their discontents and soothing their distresses, and thus relieving the nation from the outbreaks which might otherwise have resulted from their losses and poverty. Thus, too, the necessities brought upon the mother country by these terrible calamities, the plague and the fire, saved the colonies in America from any troublesome interference with their progress, and left them for awhile at least to a more independent growth.

Soon after the close of the Indian wars in New England, the controversy between the colonies and the crown, originated in the navigation acts, which more or less excited hostility from the time of their first promulgation, was again revived. These acts were ostensibly designed to regulate the commerce between the mother country and her settlements in America, while at the same time they served indirectly to increase the revenues of the kingdom. They were more particularly offensive to the New England people because of the immense trade which was carried on between them and the ports of Great Britain. The Colony of Massachusetts Bay, whose ports, Boston and Salem, contained the most prominent commercial establishments, and were the chief emporium of trade in New England, manifested the most spirited hostility to these acts. She claimed by popular protestations and in her legis-

The navigation acts in Massachusetts Bay.

Under
Charles II.,
1660-85.

lative assemblies, that they not only embarrassed her trade and crippled the enterprise of her people, but also insisted that the burdens they imposed were unlawful, being prescribed by a legislative body in whose enactments her people had no participation, inasmuch as they were not represented in parliament.

Represent-
ation and
taxation.

That the right of imposing taxes or burdens of any kind upon a people cannot be exercised in any legislative body, or by any government, without their consent, given in person or by their representatives, is an axiom of freedom which may have been found in old record books, or blind parchments, at an earlier date than this; but its practical development and the full elucidation of its justice and equity are pre-eminently American. In some of its aspects we have seen it illustrated in the controversy between the governor and council and the house of burgesses in Virginia; and now in another of its phases we find it the subject of a spirited controversy between the people of New England and the ruling powers at home. It was but the germ, however, whose growth was to be the precursor of a more vigorous conflict thereafter, although its development now resulted only in the declaration that the charter of Massachusetts Bay was again forfeited.

The char-
ter de-
clared
forfeited.

Acces-
sion of
James II.,
1685.

Charles II. died in the year 1685, and was succeeded by James II., who manifested a like hostility to the spirit of freedom and independence which was developing itself in various ways in the colonial governments in America, and especially in New England. He established over them a court of commissioners consisting of a governor and council, at the head of which was Sir Edmund Andros, a man second only to the king himself in his personal ambition and in the arbitrary exercise of power. He arrived in Boston in December, 1686, and at once assumed the reins of government over the whole of New England, under the title of governor general of the colonies. He proclaimed

His colo-
nial policy.

Sir Ed-
mond An-
dros ap-
pointed
governor.

their governments all dissolved, demanded the surrender of their charters, and proceeded to exercise over them the prerogatives of kingly power.

Under
James II.,
1685-88.

But the time had gone by when the mere edict of the crown, or the ex parte judgment of a court in England, or the presence of royalty in the person of Sir Edmond Andros even, decreeing the nullity of a colonial charter, could operate with any permanent or essential force in America. Though the charters of the colonies generally were the ostensible basis of their respective governments and forms of administration, yet their existence was not by any means necessary to support the superstructure which had been raised over them. All that was essential to the freedom which they had acquired, whether political or religious, was their own ordinances and enactments made without any special reference to, and in many instances entirely in conflict with, the provisions of their charters. Indeed, their own independent action was in reality the foundation of all their free laws and institutions, although it may have purported in some instances to have been grounded on the dead letter of their patents from the crown.

The value
attached to
their char-
ters by the
colonies.

The issue of this struggle for their rights was so colored by the condition of things in the parent state, that we must glance for a moment at the reign of James II., in order to trace the causes which gave to the controversy its beneficent results. That reign was not of long duration. James became at once on his accession to the throne involved in a fearful conflict with his subjects at home, by the arbitrary and oppressive use of his prerogatives, and his attempt to re-establish the power of Romanism in his kingdom. He sent an ambassador to Rome, and in turn the pope sent a nuncio to the court of *Saint James*. The nuncio was received publicly by the king, and welcomed and entertained at his court, with the most imposing and pompous displays of royal favor. James united in the celebra-

Character
and reign
of James
II.

See PART I.

He at-
tempts to
restore the
power of
Romanism.

PART II.

NEW ENGLAND.

Papal pro-
clivities of
James II.

tion of high mass, he disregarded the authority of parliament, and to crown all, he erected an ecclesiastical court of commissioners, and invested it with supreme power over the established church. This course of conduct awakened the most lively apprehensions of the nation, and arrayed against his administration, so to speak, all classes of protestants. It involved the kingdom of Great Britain in the most terrible civil commotion that had yet threatened the stability of the throne. The result was what has been aptly termed

The Revolu-
tion of
1688.

the Revolution in England. In the civil war which he brooded, the king was abandoned both by the army and the people, and in his extremity he fled to France.

Flight and
abdication
of the king.

Parliament declared his flight to be an abdication of his crown, and that the throne was thereby vacated.

The suc-
cession
established
by law.

William and Mary, prince and princess of Orange, were accordingly invested with the sovereignty, were declared king and queen of Great Britain, and the succession was established in their line by act of parliament, by LAW.

Nature and
issue of the
conflict.

This revolution was in fact a conflict between the supremacy of protestantism, law, and liberty, on the one side; and the divine right of the king and the supremacy of the pope on the other. The result was a more full and triumphant development of those political elements in protestantism which conserve freedom than had yet been known in the progress of the reformation in England. It had been reserved, as we have seen, for the colonies planted in America first practically to promulgate the political axiom that in a free government the people are the true and only source of power. In the triumph of this same principle in the mother country, who shall say how much

The will of
the people
recognized
as an ele-
ment in
sovereign-
ty.

was due to the reactive influence of their example, and the forcible illustrations which they had given of its beneficent operation? Henceforth the will of the people became a component element in the crown's title to sovereignty, and the kingdom of Great Britain

rejoiced under a free constitution and a *popular sovereignty*. The establishment of it healed her own political maladies, while it also allayed many of the sources of jealousy and hostility which had hitherto agitated her colonies in America, and tended to establish on a more enduring basis the extensive commercial relations which had grown up between the two countries, and which thenceforth rapidly promoted the prosperity of both.

The intelligence of the English revolution was received by the people in the colony of Massachusetts Bay with open demonstrations of joy, and revived the hope that their ancient charter might be again restored to them. Catching the inspiration of that spirit which had thus revolutionized the parent state, and obliterated the authority of James II., the people of the colony took up their arms, deposed Sir Edmond Andros and his council, sent them back to England, and re-established their own governor and council in the exercise of the authority and powers which they had formerly claimed under their charter. The crown assented to the exercise of these forms of government until such time as it should provide a new charter. This was issued in the year 1691. Under it the colony was incorporated as a royal province, and continued to be known as such until after the American Revolution.

The Revolution, how regarded in Mass. Bay.

The colony incorporated under a new charter, 1691.

The principal features wherein the government under this charter differed from that under the former, will be more particularly noticed in the third part of this work. The colony now included within its territorial limits—"all the old colony of Massachusetts Bay, the colony of New Plymouth, the province of Maine, the territory called Acadia or Nova Scotia, and all the islands lying between Nova Scotia and Maine, under the name of THE PROVINCE OF MASSACHUSETTS BAY IN NEW ENGLAND."*

Precincts of the colony under the new charter.

*Marshall's Colonies.

CONNECTICUT AND NEW HAVEN.

These colonies are next in order in the progress of our history. This territory, now comprehended within the limits of the State of Connecticut, was originally conveyed by the Grand Council of Plymouth to the then Earl of Warwick, in the year 1630.* This grant from the company was confirmed to the grantee by a patent from Charles I., and was subsequently conveyed by the Earl to Lord Sey and Seale, Lord Brooke and others, in 1631. In 1632 these patentees sent out an expedition to explore the coast and the interior of the country, which penetrated the Connecticut river as far up as the present town of Windsor, but it does not appear that they made any efficient arrangements for a settlement of the country.

What were called forts, or trading stations, were established by adventurers from New Plymouth, at Windsor; and by the Dutch from New Amsterdam, now New York, at the confluence of the "little river" with the Connecticut, now called "Dutch point," at Hartford, early in the year 1633.

In 1635 one of these trading stations was planted on the west bank of the Connecticut river, near its mouth, under a commission to John Winthrop, a son of the governor of Massachusetts Bay, as follows:

The trading fort of Gov. Winthrop on the Connecticut, 1635.
* 1 Hazard's State Papers, 395-6.

* ARTICLES made between the right honorable the Lord Viscount Say and Seale, Sir Arthur Hasselrig, baronet; Sir Richard Saltonstall, knight; Henry Lawrence; Henry Darley; and George Fenwick, Esqs., on the one part; and John Winthrop, Esq., the younger, of the other, the seventh of July, 1635.

Compact between Jno. Winthrop, Jr., and others.

FIRST. That we in our names, and the rest of the company, do by these presents appoint John Winthrop the younger, governour of the river connetticote in New England, and of the harbour and places adjoining, for the space of one year from his arrival there—And the said John Winthrop doth undertake and covenant for

his part, that he will with all convenient speed repair to those places, and there abide as aforesaid for the best advancement of the company's service. Origin of the colony of Connecticut.

SECONDLY. That so soon as he comes to The Bay, he shall endeavor to provide able men to the number of fifty at least, for making of fortifications and building of houses at the river connetticote, and the harbour adjoining—first for their own present accommodation, and then such houses as may receive men of quality, which latter houses we would have to be builded within the fort. To procure men and lay out the station.

THIRDLY. That he shall employ those men according to his best ability for the advancement of the company's service, especially in the particulars above mentioned, during the time of his government, and shall also give a true and just account of all the monies and goods committed to his managing. To superintend their erection.

FOURTHLY. That for such as shall plant there now, in the beginning, he shall take care that they plant themselves either at the harbour, or near the mouth of the river, that these places may be the better strengthened for their own safety, and to that end that they also set down in such bodies together, as they may be most capable of an entrenchment, *provided* that there be reserved unto the fort, for the maintenance of it, one thousand or fifteen hundred acres, at least, of ground, as near adjoining thereunto as may be. Location of the fort. Proviso.

FIFTHLY. That for as much as this service will take him off from his own employment, the company do engage themselves to give him a just and due consideration for the same. *In witness whereof* we have interchangably hereunto subscribed our names. His compensation.

W. SEY AND SEALE,	Arthur Hasselrig,
Richard Saltonstall,	George Fenwick,
Henry Lawrence,	Henry Darley.

This was followed by a more formal appointment of Mr. Winthrop to the office of governor of the river

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Origin of the colony of Connecticut. Connecticut, with the places adjoining thereunto—"giving him from and under us, full power and authority to do and execute any such lawful act, and thing, both in respect of the place and people, as also of the affaires we have or shall have there, as to the dignity of office of a governour doth or may appertaine."

Mr. Winthrop arrived in Boston on the eighth day of October following the date of his commission, and being informed that the Dutch from the New Netherlands were about to take possession of the same region, he immediately dispatched "a barque of thirty tons, and about twenty men, with all needful provisions to take possession of it, and to begin some buildings," thus anticipating and preventing its occupancy by the Dutch.*

The adventure of Jno. Winthrop, Jr., 1635.

* Journal of the Elder Winthrop.

It is evident from the articles under which Mr. Winthrop came to America that the object of his enterprise was, mainly, to establish an opening for a more extended commercial adventure; and although he was instructed to make "such houses as might receive men of quality," he was not furnished either with the necessary materials, or other appliances for the purpose, nor was he accompanied by any such adventurers.

Planting of Say-Brooke by Col. Fenwick, 1639. See Hollister's Connecticut.

The place continued to be occupied as a trading station or fort, for a few years, when it was reinforced by the arrival of Col. George Fenwick with a number of families from England. Col. Fenwick elevated it to the rank and dignity of a town, under the name of Sey-Brooke, a name given to it in honor of his patrons Lord Sey and Seale and Lord Brooke. He established the first civil administration over it, under which it continued until it was brought under the government of the colony of Connecticut.

Trading stations.

The points for establishing these various forts, or trading stations, were generally selected with a view to traffic, and they were consequently well chosen, and served afterwards to designate the most favorable locali-

ties for future adventurers. They were not usually under any particular civil supervision, and historical verity does not warrant us to refer the planting of Connecticut, or New Haven, or any other of the New England settlements which sprung into existence after New Plymouth and Massachusetts Bay, to any of these trading adventures. True, these in some instances laid the basis and formed the rude outlines of different plantations, but their more permanent and profitable occupancy is attributable to far other sources, and to such causes as have aided in giving to their institutions and their communities their essential and peculiar characteristics of freedom and independence.

Origin of
the colony
of Connec-
ticut.

Causes of
its settle-
ment.

We have elsewhere taken occasion to observe how, in the earlier settlements made in New England, the political and religious notions of those who came to these shores, took both their complexion and their shape from the state of the kingdom at the time they left England. In watching the progress of the protestant element in the reformation, we have already noted how gradually its free principles were unfolded and took possession of the common mind. So tardily under one administration, and then again so rapidly and so variously under another, were they developed, that the emigrant or the exile who left the mother country in 1635, comprehended more fully their political tendencies, or was more under the influence of their wilder vagaries, than the emigrant or the exile of 1620, or even the emigrant or the exile of 1630, while neither, before his arrival, knew anything of the juster developments, or the more enduring phases they were assuming in America. Hence it happened, as these settlements extended, and additions were from time to time made to their numbers from the ranks of the proscribed and the persecuted in England, that differences of sect or sentiment, in matters of religion more particularly, prevailed among them. In these diversities of religious opinions in the colonies originated the various settlements made in

Protestant-
ism among
the puri-
tans in
New Eng-
land.

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of Connec-
ticut.

New England, after the planting of New Plymouth and Massachusetts Bay. We need but to glance over the private journal of the elder John Winthrop, which runs through a period of about twenty years, to be satisfied of this fact. At about the time of which I am writing, the general court of Massachusetts Bay held quite a protracted session in which scarcely any other subjects were introduced than such as related to these differences in matters of religion. "Mr. Wilson," says the governor, "made a very sad speech of the condition of our churches and the invoidable danger of separation, if those differences and alienations among brethren were not speedily remedied; and laid the blame *upon those new opinions* risen up among us; which all the magistrates, except the governour and two others, and all the ministers but two, did confirm."

Religious
differences
in Massa-
chusetts
Bay, the
source of
it.

Such, therefore, I may safely affirm, were the causes which gave rise to these various settlements, and imparted to them their characteristic qualities. Feeble and scattered at first, it is true, but afterwards fraternized, either of their own inclination, or forced to it by the circumstances which surrounded them for their better protection, into some general plan of associated government. From this they ripened at length into permanent combinations, and laid the foundation of substantial communities, which resulted in establishing the colonies, and afterwards the states, which now bear the names under which they were organized by the original settlers. The settlement of Connecticut forcibly illustrates this position.

Arrival of
Thomas
Hooker
and others
in Mass.
Bay, 1633.

"On the fourth day of September, 1633, in the ship *Bird*, the Rev. Thomas Hooker and the Rev. Samuel Stone, with about sixty laymen, who had been proscribed at home for disregarding the acts of conformity, arrived in Massachusetts Bay, and were duly admitted to the freedom of the company."*

* Win-
throp's
Journal.

They planted themselves at New-Towne, now Cambridge. On the eleventh day of October in the same year, Mr.

Hooker was chosen pastor of the church, and Mr. Stone teacher, in that plantation. Soon after this they were drawn into controversies, and otherwise disturbed, by those differences of opinion to which I have referred, and which were so feelingly alluded to by Mr. Wilson before the general court. Hence they became discontented and desirous of a more independent settlement by themselves. They accordingly applied to the general court for permission to change their location. The matter was deliberated for some time, until on the fourth of September, in the next year, "the general court," in the language of Gov. Winthrop, "began at New-Towne and continued a week, and then was adjourned eleven days. Many things were there agitated and concluded. But the main business which spent the most time, and caused the adjourning of the court, was the removal of New-Towne: They had leave at the last general court to look out some place for enlargement or removal, with promise of having it confirmed to them if it were not prejudicial to any other plantation; and now they moved that they might have leave to remove to Connetticote. This matter was debated divers ways, and many reasons alledged pro and con.—Upon these and other arguments, the court being divided, it was put to vote, and of the deputies fifteen were for their departure, and ten against it. The governour and two assistants were for it, and the deputy governour and all the rest of the assistants were against it, except the secretary, who gave no vote. Whereupon no record was entered because there were not six assistants in the vote, as the pattent required."

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the colony
of Con-
necticut.

Applica-
tion of
Hooker
and others
for leave
to move
to Con-
necticut.

Action of
the Gen-
eral Court
thereon,
Sep., 1634.

The appli-
cation
denied.

The general court was severely agitated by this discussion and the result which followed it. Mr. Hooker and his friends were not at all pleased with it. The incident confirms what I have already said of the rapid development of the liberal elements of protestantism from year to year in the mother country, and of its influence in the settling of New England. Those who

Effect of
its rejec-
tion.

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the colony
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necticut.

were now the leading men of Massachusetts Bay had come over in 1630, while Mr. Hooker and his associates had but recently arrived in America. The interval in England had witnessed a rapid progress in the party and principles of the puritans. The idea of sovereignty in the people was beginning more actively, though not as yet very definitely, to develop itself. It had at least gained considerable ascendancy in the minds of reflecting men. Political leaders were catching at it for party purposes, while those who were more devoted to freedom because they gathered its elements from the Bible, saw in it the dawn of their own success. The course taken by Mr. Hooker and his party shows that they were very strongly impregnated with it. Indeed, in this very matter they objected that the *deputies of the people* were overruled by the negative vote of the magistracy. They thus originated the first controversy that ever took place in New England between the magistrates and the people as to their relative powers.

Controversy between
the magis-
tracy and
the people.

For, "upon this," says Gov. Winthrop in his valuable journal, "grew a great difference between the government and assistants, and the deputies. They would not yield the assistants a negative voice, and the other (considering how dangerous it might be to the commonwealth if they should not keep that strength to balance the great number of deputies) thought it safe to stand upon it."

How al-
layed.

The manner in which this heated discussion was terminated, and the discordant feelings which it had provoked were allayed, strongly portrays the characteristic traits of our puritan fathers. In the midst of the excitement, or—to use the language of Gov. Winthrop—"when they could proceed no further, the whole court agreed to keep a day of humiliation to seek the Lord; which accordingly was done in all the congregations on the eighteenth day of this month. On the twenty-fourth the court met again. Before they began, Mr. Cotton preached (being desired by all the court, upon

Further
action of
the Gen'l
Court of
Mass. Bay,
Sep., 1634.

Mr. Hooker's instant excuse of his unfitness for that occasion. He took his text out of Hag. ii. 4, out of which he laid down the nature or strength (as he termed it) of the magistracy, ministry, and people, &c.

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the Colony
of Con-
necticut.

The strength of the magistracy to be their authority, of the people their liberty, and of the ministry their purity. And showed how all of those had a negative voice, and yet the ultimate resolution ought to be in the whole body of the people, &c., with answer to all objections, and a declaration of *the people's duty and right* to maintain their true liberties against any unjust violence, which gave great satisfaction to the company. And it pleased the Lord so to assist him, and to bless our ordinance, that the affairs of the court went on cheerfully."

Mr. Cot-
ton's ser-
mon.

The people
the source
of power.

Mr. Hooker and his associates were undoubtedly moved by the discourse of Mr. Cotton; for, after listening to it, he and his adherents sheltered themselves under the concession that the oath they had taken when they were admitted to the freedom of the company, bound them to yield to the decision of the general court. They accordingly abandoned their purpose, "and accepted of such enlargement as had formerly been offered them by Boston and Watertown, and so the fear of their removal to Connetticote was removed.*"

Effect of
Mr. Cot-
ton's ser-
mon.

Mr. Hook-
er and his
associates
yield.

* Win-
throp's
Journal.

Though this result seems to have quieted for a while the apprehensions of a division among the settlers in the colony of Massachusetts Bay, it did not obliterate the causes of controversy and discontent which had moved the people of New-Towne to seek a change of location. Little diversities of sentiment in matters of religion, and in some instances peculiarities of manner, or conduct, or even of dress, were made the subject of discussion and punishment in the general court, and of discipline in the church. Popular ministers arriving from abroad, drew the people after them from congregations already organized; or planted themselves and

Causes of
discontent
revive
again.

Origin of the Colony of Connecticut. claimed the right to erect a church along side of one previously established. An instance of this kind occurred at New-Towne, and rather than involve themselves in a controversy about it, Mr. Hooker and his associates again asked leave of the general court to move to Connecticut.

Mr. Hooker's second application.

Circumstances favorable to his petition.

Objections raised against it.

How disposed of.

They leave for Connecticut, March 25, 1636.

Previous removal, Oct. 1635.

The interference of the Dutch from New Amsterdam with the trading stations already established upon the bank of the Connecticut river, and the dissatisfaction existing among the Indian tribes inhabiting in that region, impressed the general court with the necessity and importance of a more formal occupancy of the country, and inclined them to grant the petition. It was objected very strongly "that the general court or the company, had no title to any part of the territory in which they proposed to establish a plantation. That neither the Dutch, who claimed the right and had already built a fort there, nor the Indians, nor their own people at home, would endure their sitting down *without a patten* in any place which the king laid claim to." To meet this difficulty it was suggested that they should continue subject to the jurisdiction of the general court of Massachusetts Bay. They assented to the proposition and were allowed to remove. On the twenty-fifth day of March, says Winthrop, "Mr. Hooker, pastor of the church at New-Towne, *and the rest of his congregation* went to Connetticut, his wife was carried on a horse-litter, and they drove one hundred and sixty cattle, and fed of their milk by the way."

There is an entry in Mr. Winthrop's journal, under date October fifteenth, 1635, that "about sixty men, women, and little children, went by land to connetticut, with their cows, heifers and swine, and after a tedious and difficult journey arrived safe there." No mention is made of their particular destination, but we feel warranted in saying that they were a part of the congregation of Mr. Hooker, *the rest* of whom are spoken of above as now accompanying him. Mr. Hook-

er's company consisted of about one hundred persons with their families. They formed a settlement on the west bank of the Connecticut river, and laid the foundation of Hartford. They were subsequently in the same season followed by other parties who planted Windsor and Wethersfield. Others were soon influenced by similar causes to follow their example, and planted themselves in the same vicinity. Their settlements, however, were comprehended within the precincts of these three plantations, which composed the colony of Connecticut. The colony of Connecticut.

It does not comport with my design in this work, to trace in detail to their original date and circumstances, all the settlements which grew up in New England at this early period. My aim is to ascertain and to point out in a general way, the more material causes which led to them, because, as I have observed already and shall further show, these were the basis in most instances, if not in all, of a peculiar form of municipal administration. They are more fitted to my purpose when they have arrived to that period in their experience and growth at which they severally combine and unite into larger political bodies, and develop their peculiarly American institutions and forms of free government.*

Although the region of territory upon which their settlements were made was not within the charter limits of Massachusetts Bay, yet as these adventurers had agreed to remain subject to that corporation, it was sought to bring them under "A commission granted

* Those who desire a more minute acquaintance with the early history and more particular settlement of Connecticut, with what might well be called her domestic life, will find the record attractively and faithfully gathered in the history recently published by G. H. Hollister, Esq., of Litchfield, Conn. Distinguished already by his attainments as a lawyer in full practice, and his accomplishments as a scholar and gentleman, Mr. Hollister has in this new field achieved for himself the further pre-eminent title of the historian of Connecticut. His fluent and graceful pen, aided by a classic fancy, has thrown a degree of enchantment over his pages which is rarely found combined with the truthful narratives of history.

The Colony of Connecticut. to several persons to govern the people at connetticote for the space of a year now next coming ; an exemplification whereof ensueth.

Commission from Massachusetts Bay for its government, March 3d, 1636.

“ WHEREAS, *upon some reason and grounds*, there are to remove from this our commonwealth and body of the Mattachusetts in America, divers of our loving friends, neighbours, freemen and members of New-Towne, Dorchester, Waterton and other places, who are resolved to transplant themselves and their estates unto the ryver of connetticote there to reside and inhabit, and to that end divers are there already, and divers others shortly to go, we, in this present court assembled, on the behalf of our said members, John Winthrop Jr. Esq, governour, appointed by certain noble personages and men of quality interested in the said ryver, which are yet in England, on their behalf ; have had a serious consideration thereon, and think it meet that where there are a people to sit down and cohabit, there will follow, upon occasion, some cause of difference, as also divers misdemeanors, which will require a speedy redress. *And in regard of the distance of place*, this state and government cannot take notice of the same (so) as to apply timely remedy, or to dispense equal justice to them and their affairs, as may be desired ; and in regard the said noble personages and men of quality have something engaged themselves and their estates in the planting of the said ryver, and by virtue of a pattent, do require jurisdiction of the said place and people, and neither the minds of the said personages, (they being writ unto) are as yet known, nor any manner of government is yet agreed on, and there being a necessity, as aforesaid, that some present government may be observed, *Wee therefore think meet, and so order*, that Roger Ludlow Esq ; William Pinchon Esq ; John Steele ; William Swaine ; Henry Smyth ; William Phelpes ; William Westwood ; and Andrew Warde ; or the greater part of them, shall have full power and authority to hear and determine, in a judi-

cial way, by witnesses upon oath examined, within the said plantation, all those differences which may arise between party and party; *as also*, upon misdemeanor, to inflict corporal punishment or imprisonment, to fine and levy the same if occasion so require, to make and decree such orders, for the present, that may be for the peaceable and quiet ordering the affairs of the said plantation, both in trading, planting, building, lots, military discipline, defensive war (if need so require) as shall best conduce to the public good of the same; And that the said Roger Ludlow, William Pinchon, John Steele, William Swaine, Henry Smyth, William Phelps, William Westwood, Andrew Warner, or the greater part of them, shall have power, under the greater part of their hands, at a day or days by them appointed, upon convenient notice, to convent the said inhabitants of the said townes to any convenient place that they shall think meet, in a legal and open manner by way of court to proceed in executing the power and authority aforesaid, and in case of present necessity, two of them joining together, to inflict corporal punishment upon any offender if they see good and warrantable ground so to do: *provided always*, that this commission shall not extend any longer time than one whole year from the date thereof, and in the mean time it shall be lawful for this court to recall the said presents, if they see cause, and if so be there may be a mutual and settled government condescended unto by and with the good liking and consent of the said noble personages, or their agent the inhabitants and this commonwealth: *provided also*, that this may not be any prejudice to the interest of those noble personages in the said ryver and confines thereof within their several limits.”*

The colony
of Con-
necticut.

Commis-
sion from
Massachu-
setts Bay
for its
govern-
ment.

* 1 Mass.
His. Rec.,
170.

This was another assumption of political power on the part of the general court of Massachusetts Bay, beyond the provisions of the charter to the company. It is at once interesting and instructive as further illus-

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necticut.

The politi-
cal ele-
ments of
protestant-
ism devel-
oped by
the com-
mission for
its govern-
ment.

trating how rapidly and how variously the political elements of freedom in the protestantism of the puritans were developed in America. I care not to ask what petty strifes or paltry divisions may have grown up among them on account of their differences in matters of religious faith, or worship, or discipline. I care not to know, or to ask, how much of bigotry, or of superstition, or of prejudice, or even of absolute wrong, may have mingled with their growth. I have no fellowship or sympathy with those sectarian zealots, or partizan sciolists, who can go down into their infant and nursery life to drag forth what purulent tokens they may discover of the waywardness and weakness of their inexperienced childhood. These were their embarrassments, their disadvantages, their difficulties, their discipline, the refining from out of which was evolved the golden ore of freedom. It was something, much, to have planted themselves in America under a charter which placed no restrictions on the latitude of their worship. It was a bold exercise of political liberty to have transferred that charter, and the proprietorship of the soil which it conveyed, to the bleak and barren shores of New England. It was a more resolute and fruitful exhibition of popular supremacy to have reared upon that soil, towns, institutions, and free forms of government, far beyond the intention, or the comprehension of the sovereign power to which they hesitated not to avow their ultimate allegiance. But it was something above and beyond all these, to have claimed the right, and to have assumed the responsibility of *planting a colony* on a soil not their own, all of whose political privileges should emanate from themselves, and from which they exacted an oath of allegiance to their own government instead of the crown. To say that these things had no bearing upon the future of New England, or of America, would be to deny that philosophy in history which teaches by example. It had a quick influence even upon the fate of the new colony, and

produced at once a freer development of free principles. The very spirit and purposes which prompted these men to remove with their families from the elder plantation, could not long brook such a dependence; a colonial dependence upon a dependent corporation. Nor could they understand the logic which would deny to themselves a similar exercise of similar political powers. They accordingly extinguished, by purchase, the Indian title to the soil, made a further purchase of title from "those noble personages" alluded to in the commission, disavowed their allegiance to Massachusetts Bay, and entered into an independent compact of government under the name of CONNECTICUT.

The colony of Connecticut disavows allegiance to Massachusetts Bay.

This was the first instance of the establishment of an independent colonial government in America, without any charter basis, and without even a shadow of authority from the crown. That of New Plymouth was originally in fact quite as independent, but then it was rather a necessity than an assumption, and had at least the show of right derived under a charter issued by The Plymouth Company. The only similarity between them was, that neither the company in the latter instance nor the general court of Massachusetts Bay in the former, had any power conferred by their charter, which gave them jurisdiction of the soil.

Her independent establishment.

There is something so peculiar and characteristic in the preamble to this compact, and it is so illustrative of the fact, that, with us at least, a protestant christianity has been and is the source of all civil and religious freedom, that I should be unsteady to my purpose if I did not insert it here at length. It opens by reciting that "*Forasmuch* as it hath pleased the Almighty God, by the wise disposition of his divine providence; so to order and dispose of things that we the inhabitants and residents of Windsor, Harteford, and Weathersfield, are now cohabiting and dwelling in and upon the river Connectecotte, and the lands thereunto adjoining; and

Her first compact of government, 1638.

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The colony of Connecticut, its first compact of government, 1638.

The association and its aims.

Recognition of protestant christianity.

General courts or assemblies.

The magistracy.

Their powers and duties.

well knowing where a people are gathered together the Word of God requires that to maintain the peace and union of such a people there should be an orderly and decent government, established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one public state or commonwealth: *And do, for ourselves and our successors*, and such as shall be adjoined to us at any time hereafter, enter into combination and confederation together, to maintain and preserve the liberty and purity of the gospel of our Lord Jesus Christ which we now profess, as also the discipline of the churches, which according to the truth of the said gospel is now practiced amongst us. As also in our civil affairs to be guided and governed according to such laws, rules, orders and decrees as shall be made, ordered and decreed, as followeth:—

“I. *It is ordered, sentenced, and decreed* that there shall be yearly two general assemblies or courts, the one on the second Thursday in April, the other the second Thursday in September, following; the first shall be called the court of election, wherein shall be yearly chosen from time to time so many magistrates and other public officers as shall be found requisite.

Whereof one to be chosen governour for the year ensuing and until another be chosen, and no other magistrate to be chosen for more than one year—*provided always* there be six chosen besides the governour.

Which being chosen and sworn, according to an oath recorded for that purpose, shall have power to administer justice according to the laws here established, and for want thereof according to the rule of the word of God; which choice shall be made by all that are admitted freemen and have taken the oath of fidelity, and do cohabit in this jurisdiction, or the major part of such as shall be then present.

“II. *It is ordered, sentenced, and decreed*, That the

election of the aforesaid magistrates shall be on this manner: every person present and qualified for choice shall bring in (to the persons deputed to receive them) one single paper with the name of him written in it whom he desires to have governour, and he that hath the greatest number of papers shall be governour for that year. And the rest of the magistrates or public officers to be chosen in this manner: The secretary for the time being shall first read the names of all that are to be put to choice, and then shall severally nominate them distinctly, and every one that would have the person nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank. And every one that hath more written papers than blanks shall be a magistrate for that year: which papers shall be received and told by one or more that shall be then chosen by the court and sworn to be faithful therein—but in case there should not be six chosen as aforesaid, besides the governour, out of those which are nominated, then he or they which have the most written papers shall be a magistrate or magistrates for the ensuing year, to make up the aforesaid number.

The colony of Connecticut; her first compact of gov't, 1638.

Election of magistrates and other officers.

“III. *It is ordered, sentenced, and decreed,* That the secretary shall not nominate any person, nor shall any person be chosen newly into the magistracy, which was not propounded in some general court before, to be nominated the next election; and to that end it shall be lawful for each of the towns aforesaid, by their deputies, to nominate any two whom they conceive fit to be put to election; and the court may add so many more as they judge requisite.

Candidates to be previously propounded.

“IV. *It is ordered, sentenced, and decreed,* That no person be chosen governour above once in two years, and that the governour be always a member of some approved congregation, and formerly of the magistracy within this jurisdiction; and all the magistrates free-men of this commonwealth: And that no magistrate

Who may be chosen governor.

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The colony of Connecticut; her first compact of gov't, 1638. or other public officer shall execute any part of his or their office before they are severally sworn, which shall be done in the face of the court if they be present, and in case of absence, by some deputed for that purpose.

Towns must send Deputies.

“V. *It is ordered, sentenced, and decreed,* That to the aforesaid court of election the severall towns shall send their deputies, and when the elections are ended they may proceed in any public service as at other courts: also the other general court in September shall be for making of laws, and any other public occasion which concerns the good of the commonwealth.

General courts, how convened.

“VI. *It is ordered, sentenced, and decreed,* That the governour shall, either by himself or by the secretary, send out summons to the constables of every town for the calling of these two standing courts, one month at least before their several times: *And also* if the governour and the greatest part of the magistrates see cause upon any special occasion to call a general court, they may give order to the secretary so to do within fourteen days warning; and if urgent necessity so require upon a shorter notice, giving sufficient grounds for it to the deputies when they meet, or else be questioned for the same: *And if* the governour and major part of the magistrates shall either neglect or refuse to call the two general standing courts, or either of them, as also at other times when the occasions of the commonwealth require, the freemen thereof, or the major part of them, shall petition to them so to do: *If then* it be either denied or neglected, the said freemen or the major part of them shall have power to give order to the constables of the severall towns to do the same, and so may meet together, and choose to themselves a moderator, and may proceed to do any act of power which any other general court may.

Choosing of deputies to the general courts.

“VII. *It is ordered, sentenced, and decreed,* That after there are warrants given out for any of the said general courts, the constable or constables of each town shall forthwith give notice distinctly to the inhabitants of the

same, in some public assembly, or by going or sending from house to house, that at a place and time by him or them limited and set, they meet and assemble themselves together to elect and choose certain deputies to be at the general court then following to agitate the affairs of the commonwealth; which said deputies shall be chosen by all that are admitted inhabitants in the several towns, and have taken the oath of fidelity: *provided*, that none be chosen a deputy for any general court who is not a freeman of this commonwealth.

The colony of Connecticut; her first compact of gov't, 1638.

Proviso.

“The aforesaid deputies shall be chosen in manner following: Every person that is present and qualified as before expressed, shall bring the names of such, written in several papers, as they desire to have chosen for that employment, and these three or four, more or less, being the number agreed on to be chosen for that time, that have the greatest number of papers written for, they shall be deputies for that court; whose names shall be endorsed on the backside of the warrant and returned into the court, with the constable or constables’ hand unto the same.

Mode of choosing deputies.

Return of officer

“VIII. *It is ordered, sentenced, and decreed*, That Windsor, Harteford, and Weathersfield shall have power, each town, to send four of their freemen as their deputies, to every general court; And whatsoever other townes shall be hereafter added to this jurisdiction, they shall send so many deputies as the court shall judge meet, a reasonable portion to the number of freemen that are in the said towns being to be attended therein; which deputies shall have the power of the whole towns to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said towns are to be bound.

Apportionment of deputies.

Their powers and votes.

“IX. *It is ordered and decreed*, That the deputies thus chosen shall have power and liberty to appoint a time and place of meeting together before any general court, to advise and consult of all such things as may

Special meeting of the deputies.

PART II.

NEW ENGLAND.

The Colony of Connecticut; her first compact of gov't, 1638. concern the good of the public, as also to examine their own elections, whether according to the order; *And if* they or the greatest part of them find any election to be illegal, they may seclude such for the present from their meeting, and return the same and their reasons to the court; *and* if it prove true, the court

Deputies to investigate elections.

may fine the party or parties so intruding and the town, if they see cause, and give out a warrant to go to a new election in a legal way, either in part or in whole: *Also* the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment; and they may return the said fines into the court if it be refused to be paid, and the treasurer to take notice of it, and to estreet or levy the same as he doth other fines.

Other powers of.

General Court, how constituted.

“X. *It is ordered, sentenced, and decreed,* That every general court, except such as through neglect of the governour and the greatest part of the magistrates, the freemen themselves do call; shall consist of the governour, or some one chosen to moderate the court, and four other magistrates at least, with the major part of the deputies of the several towns legally chosen; *And in case* the freemen, or major part of them, through neglect or refusal of the governour and major part of the magistrates, shall call a court, it shall consist of the major part of freemen that are present or their deputies, with a moderator chosen by them. In which said general courts shall consist the supreme power of the commonwealth, and they only shall have power to

Powers of the general court.

make laws or repeal them, to grant levies, to admit of freemen, dispose of lands undisposed of, to several towns or persons, and also shall have power to call either court or magistrate, or any other person whatsoever into question for any misdemeanor, and may for just cause displace or deal otherwise according to the nature of the offence: *And also* may deal in any other matter that concerns the good of this commonwealth,

except election of magistrates, which shall be done by the whole body of freemen.

“In which court the governour, or moderator, shall have power to order the court to give liberty of speech, and silence unseasonable and disorderly speaking; to put all things to vote; and in case the vote be equal to have the casting voice. But none of these courts shall be adjourned or dissolved without the consent of the major part of the court.

The Colony of Connecticut; her first compact of gov't, 1638. Powers of governor in the general court.

“XI. *It is ordered, sentenced, and decreed*, that when any general court, upon the occasions of the commonwealth, have agreed upon any sum or sums of money to be levied upon the several towns within this jurisdiction, that a committee be chosen to set out and appoint what shall be the proportion of every town to pay off the said levy, *provided* the committees be made up of an equal number of each town.

Levies or assessments on towns.

“14th January, 1638, the eleven orders above said are voted.”

The oath of the governor—“I, N. M., being now chosen to be governour within this jurisdiction, for the year ensuing, and until a new be chosen, do swear by the great and dreadful name of the everliving God, to promote the public good and peace of the same, according to the best of my skill; as also will maintain all lawful privileges of this commonwealth; as also that all wholesome laws that are made or shall be made by lawful authority here established, be duly executed; and will further the execution of justice according to the rule of God's word: *So help me God, in the name of the Lo: Jesus Christ.*”

Oath of governor and other magistrates.

A similar form of oath was prescribed for the other magistrates, and constables. The oath of a freeman was substantially that prescribed of record by the general court at a later date, which recited “I, A. B., being by the providence of God an inhabitant within the jurisdiction of Connectecotte, do acknowledge myself to be subject to the government thereof, and do swear by the

Freeman's oath.

The colony of Connecticut, her first compact of government, 1638.

great and fearful name of the everliving God, to be true and faithful unto the same; and do submit both my person and estate thereunto, according to all the wholesome laws and orders that there are, or hereafter shall be there made and established by lawful authority; and that I will neither plot nor practice any evil against the same; nor consent to any that shall do so, but will timely discover the same to lawful authority there established: And that I will, as I am in duty bound, maintain the honor of the same and of the lawful magistrates thereof promoting the public good of it, whilst I shall so continue an inhabitant there; and whensoever I shall give my vote or suffrage touching any matter which concerns this commonwealth, being called thereunto, will give it as in my conscience I shall judge may conduce to the best good of the same without respect of persons or favor of any man. *So help me God in our Lord Jesus Christ."*

General remarks.

Such was the first governmental compact of the first truly independent municipal organization formed in America, the colony of Connecticut. Such was the progress of freedom within twenty years after our puritan fathers first landed on the coast of New England. We may search the records of history in vain to find a parallel to this the first written constitution framed independently in America. So brief and yet so comprehensive, so concise and yet so full, so simple and yet so sublime. It is the complete and harmonious issue of what we have called the political element of freedom in the protestantism of the puritans. Now for the first time in the history of mankind, we find the church and state dissevered though not really divorced, each moving in its peculiar province and exercising its peculiar mission without warring with the other; while the power in and over either emanates wholly and directly from the people. We might well expect to see, as the further fruits of such a basis of social organ-

Its political aspects.

ization, a Bill of Rights like that passed by the general court at a subsequent session, in which it was decreed—

“That no man’s life shall be taken away; no man’s honor or good name shall be stained; no man’s person shall be arrested, restrained, banished, dismembered, or in any way punished; no man shall be deprived of his wife or children; no man’s goods or estate shall be taken away from him; nor any ways damaged, under colour of law, or countenance of authority, unless it be by the virtue or equity of some express law of the country warranting the same, established by a general court, and sufficiently published; or in case of the defect of a law in any particular case, by the word of God.” *

The colony of Connecticut.

Bill of Rights.

* Colonial Records, Vol 1.

Thus we have it, freedom of religion, freedom of the person, freedom of speech, freedom of property, security of reputation and of life, and in the domestic relations; freedom in the formation of government, in the enactment of laws, and in the choice of rulers; all tending to the personal elevation of the individual man. This is an achievement of protestantism peculiarly American. This is AMERICAN PROTESTANTISM. It is marred by no recognition of sovereignty or supremacy elsewhere than in the people, and speaks out as if no monarch on earth dare ever dream of claiming its allegiance, or infringing its prerogatives of power.

In the year 1644, Saybrook was purchased of Col. Geo. Fenwick, and became a part of the colony of Connecticut, which continued under the form of government already adverted to until the issuing of the royal charter by Charles II.

Summary of her compact of government.
Saybrook annexed to Connecticut, 1644.

I have purposely omitted any particular reference to the wars in which the colonies of New England were involved with the native tribes bordering upon the valley of the Connecticut river during their early history. I do not regard them of any material importance so far as the design of this work is concerned; and they

Indian wars.

Origin of
the colony
of New
Haven.

come within the scope of our observation, in passing, simply in the tendency they had to lead adventurers farther into the interior country and thereby to extend and increase their settlements.

THE COLONY OF NEW HAVEN.

Arrival of
Mr. Daven-
port and
others at
Boston,
April 26,
1637.

On the twenty-sixth day of April, in the year 1637, there arrived in the harbour at Boston—"two ships from London. In these came Mr. Davenport and another minister, and Mr. Eaton and Mr. Hopkins, two merchants of London, men of fair estate and of great esteem for religion, and wisdom in outward affairs."* These men had their own peculiar opinions in reference to religious and political matters, which prompted them to turn their attention to the asylum now more abundantly opening for all such in the wilds of New England. Being "men of esteem for religion, and wisdom in outward affairs," and of ample worldly resources, a great effort was made to retain them in Massachusetts Bay. "All possible means," says Gov. Winthrop, "were used to accommodate them here—Charlestown offered them largely; Newbury their whole town, the court any place which was free." But they were unwilling to remain in a jurisdiction already distracted by differences in matters of religion, and where they at once comprehended what restraints might be imposed upon the propagation of their own peculiar views. In the fall of the same year Mr. Eaton and others left Boston and proceeded southward until they came upon a wide spreading and beautiful bay, backed by an extensive level plain called by the Indians *Quinnipiac*. On the thirtieth day of January, 1638, "Mr. Davenport and Mr. Predden, and a brother of Mr. Eaton, being ministers also, went by water to *Quinnipiac*; and with them many families moved out of the jurisdiction of Massachusetts Bay, to plant themselves in those parts."* After a lengthened, tedious and somewhat perilous passage, they reached their destination in safety, plant-

How they
were re-
ceived.

Mr. Daven-
port
leaves for
the Con-
necticut,
January,
1638.

* Win-
throp's
Journal.

ed their settlement, and called it New Haven. They had made no provision for a title to the soil, but relied on their ability to make some friendly negotiation with the natives, whom they regarded as the true and only rightful proprietors. They were invested with no political powers, but framed their own ordinances and laws as independently as did the colony of Connecticut, undoubtedly moved by her example.

Origin of
the colony
of New
Haven,
1637-38.

The people of Massachusetts Bay seem to have been a good deal disappointed by the departure of Mr. Eaton and his company from among them; being then apprehensive that a general governor for the colonies would be sent over by the crown. The manner, however, in which they consoled themselves was too characteristic and too much affiliated to our purpose to be passed by in silence. Says Gov. Winthrop—"though it were a great weakening to these parts yet we expected to see a good providence of God in it, both for possessing those parts which lay open to an enemy, and for strengthening our friends at connecticote, and for making room here for many who are expected out of England this year; and for diverting the thoughts and intentions of such in England as intended evil against us; whose designs might be frustrated by our scattering so far: and such as were now gone that way were as much in the eye of the estate of England as we here."*

Departure
of Mr.
Eaton how
regarded
in Mass.
Bay.

* Win-
throp's
Journal.

It was about at this date that the council of commissioners for foreign plantations was created by Charles I., which declared the forfeiture of their charters by various companies in England, and was made the basis of the *quo warranto* which was issued against the Massachusetts Bay company. The same home difficulties which checked those proceedings on the part of the crown and commissioners, opened the opportunity for planting these independent colonial settlements in New England.

The plan of association first adopted by the planters

PART II.

NEW ENGLAND.

The colony of New Haven, was different from that of any other of the American settlements. The Bible was to them the source of all law; church-membership the condition of freemanship, and the test of eligibility to office, whether civil or military. Hers was, if we may so express it, a Christocratic form of government, the church was the head of the colony, the minister the head of the church, and Christ the head of all, and they imitated the early christians in adopting a community of goods and an equal distribution of lands. On the fourth of June, 1639, they held their first meeting, when the following resolutions were adopted as the basis of their organization, viz:

Peculiarities of her organization.

The Bible the rule of life.

And source of government.

Object of the adventure.

Obligations of the settlers to each other.

Qualifications and powers of freemen.

“I. That the scriptures hold forth a perfect rule for the direction and government of all men in all duties which they perform to God and men, as well in families and commonwealth, as in matters of the church.

“II. That as in matters which concerned the gathering and ordering of a church, so likewise of all public offices which concern civil order, as the choice of magistrates and officers, making and repealing laws, dividing allotments of inheritance, and all things of like nature, they would all be governed by those rules which the scripture held forth to them.

“III. That all those who had desired to be received as free planters, had settled in the plantation with a purpose, resolution, and desire, that they might be admitted into church fellowship according to Christ.

“IV. That all the free planters held themselves bound to establish such civil order as might best conduce to the securing of the purity and peace of the ordinance to themselves and their posterity according to God.

“V. That church members only should be free burghesses; and that they only should choose magistrates among themselves, to have power of transacting all the public civil affairs of the plantation; of making and repealing laws, dividing inheritances, deciding of differences that may arise, and doing all things and business of like nature.

“VI. That twelve men should be chosen, that their fitness for the foundation of the work might be tried, and that it should be in the power of those twelve men to choose seven to begin the church.”*

Ordering
of the
church.

* See Hol-
lister's His-
tory.

In October of the same year a general convention was held, and a plan of government adopted embodying the principles set forth in the foregoing resolutions. A general court was created, to consist of the governor, deputy governor, and twelve assistants, with two delegates from each town, to be chosen annually. All power, executive, legislative, and judicial, to reside in this body, with a right of appeal to a supreme court composed of all the magistrates in the plantation, six of whom formed a quorum. They remained under this compact until they came under the charter granted to the colony of Connecticut by Charles II. after his restoration to the throne.

Its organi-
zation,
powers and
duties.

In closing this summary of the governmental polity of the first settlement at New Haven, I cannot forbear repeating what I have said of the colony of Connecticut. I care not to run the gauntlet with those who can see in it only the traces of bigotry, superstition, and intolerance. It is beyond all controversy true that a Protestant Christianity, by the general charter provisions issuing out of England from the earliest period in our history, by all the records of our colonial and revolutionary annals, and by the constitutions of nearly all of the states, as well as by the consent of the whole American people, has been, and is, regarded and recognized as an essential element of our political systems; and that the Bible has been universally received among us as at once the source of such a christianity, and the depository and fountain of all civil and religious freedom. This is an American common law axiom established by our whole history, which I have endeavored to elucidate in tracing to their source the true principles of freedom in our institutions of government, wherever and however feebly disclosed, wherever and

Protest-
antism as
developed
in New
England,
the basis
of all free
govern-
ment in
America.

The colony
of New
Haven.

however obscurely developed. I did not expect to accomplish so laborious and responsible a task without plodding my way through a deal of baser matter, and coming in contact with much which might sicken my vision, or offend my taste, or perchance even provoke my indignant condemnation. Still behind these mountains I feel that there is sunshine. Amid these heaps of loose, decaying, and even offensive rubbish, I know there is life. And while we rejoice in a superstructure so beauteous and attractive in its strength, its extent, its proportions and its years, we ought not to forget that all its institutions of freedom and all its prosperity, rest on no other basis than such as was laid by our puritan forefathers who planted New England. It is true that that element of political liberty inherent in their protestantism, whose tendency I have claimed it was to separate and yet preserve in harmonious existence the church and the state, with full freedom in either to exercise its essential prerogatives, had not yet reached the maturity of its development. But I have carefully traced its origin, we have noted thus far its progression; and the existence of our own civil and religious institutions in perfect harmony with our federal and state relations to-day, declare its triumph.

Upon the
restoration
of the
monarchy,
1660.

Peculiarity
in their
origin and
growth.

I pass on now to the restoration and accession of Charles II. During the agitations of the civil war in England, the plantations of Connecticut and New Haven had steadily advanced in prosperity, and rapidly extended their thriving settlements along the valley of the Connecticut river and the coast of Long Island Sound. Their institutions of government, education, and religion, had assumed the appearance and gave assurance of permanency. It was their good fortune that their origin and growth were sheltered, as it were, behind the Massachusetts Bay company whence they emanated, and which was made the object of any existing hostility or dissatisfaction on the part of the

crown during the supremacy of the regal power, or of the parliament under the commonwealth, or of Cromwell during his protectorate. Thus they were in a measure exempted from those bitter experiences of foreign interference, which, from time to time, disturbed the elder and parent colony. Indeed, however characterized, the sovereign power at home itself seemed to look upon Rhode Island, Connecticut and New Haven merely as offshoots from Massachusetts Bay, of indifferent growth, and which were sure to follow her fortunes and her fate. Hence these adventurers experienced less of its resentment, and were more ready to admit its superintending care when occasion demanded. Hence, on the fourteenth day of March, 1661, John Winthrop, Jr., the son of governor Winthrop of Massachusetts Bay, being governor, the people of Connecticut in general court assembled—*“concluded and declared,* that it was their duty, and very necessary, to make a speedy address to his sacred majesty, our sovereign lord Charles the second, king of England, Scotland, France, and Ireland; to acknowledge our loyalty and allegiance to his highness, hereby declaring and professing ourselves, all the inhabitants of this colony, to be his highnesses loyal and faithful subjects—*And do further conclude it necessary* that we should humbly petition his majesty for grace and favor, and for the continuance and confirmation of such privileges and liberties as are necessary for the comfortable and peaceful settlement of this colony.”*

How advantageous to them.

Recognition of Charles II. by the colony of Ct., 1661.

*1 Colonial Records, 36.

There was a degree of political shrewdness, and statesmanlike forecast, in these proceedings, which is worthy of particular observation. They would thus avoid the chance of becoming involved as parties to any controversy which might arise between the Massachusetts Bay company and the crown; secure to themselves a corporate existence independent of that colony; while their voluntary recognition of the restored mon-

Its policy.

Connecticut resolves to petition for a charter from the crown, 1661.

archy was calculated to win towards them the goodwill of the king, if perchance the significant omission of his title of "Defender of the Faith" did not attract his observation or awaken apprehension.

At a subsequent meeting of the general court, a committee was appointed in pursuance of the foregoing resolution, to prepare a suitable petition to be addressed to the crown, which was reported and approved on the seventh day of June following, viz.:

*Petition to his majesty, King Charles II., for
charter privileges.*

The petition.

"The humble petition of the general court, at Hartford, upon Connecticut, in New England, to the high and mighty prince, Charles the second, humbly showing—THAT WHEREAS your petitioners have not had, for many years past, since their possession and inhabiting these western and inland parts of this wilderness, any opportunity, by reason of the calamities of the late sad times, to seek for and obtain such grants by letters pattents from your excellent majesty, their sovereign lord and king, as might assure them of such liberties and privileges, and sufficient powers, as might encourage them to go on through all difficulties, hazards, and expenses, in so great a work of plantation, in a place so remote from the christian world, and a desert so difficultly subdued, and no way improvable for subsistence, but by great cost and hard labour, with much patience and cares.

Expenses of planting their settlements.

"*And whereas*, besides the great charge that hath been expended by our fathers, and some of their associates yet surviving, about the purchases, building, fortifying, and other matters, of culturing and improving to a condition of safety and subsistence, in the places of our present abode among the heathen, whereby there is a considerable and real addition to the honor and enlargement of his majesty's dominion, by the sole disbursements of his majesty's subjects here; of their own proper estates they have laid out a

very great sum for the purchasing a jurisdiction right of Mr. George Fenwick, which they were given to understand was derived from true royal authority, by letters pattent to certain lords and gentlemen therein nominated, a copy whereof was produced before the commissioners of the colonies, and approved by them, as appears by their records, a copy whereof is ready to be presented at your majesty's command, though, either by fire at a house where it had been sometimes kept, or some other accident, it is now lost; with which your poor subjects were rather willing to have contented themselves in those afflicting times, than to seek for power or privileges from any other than their lawful prince and sovereign.

Petition
of Con-
necticut
for a char-
ter from
the crown,
1661.

Title from
Mr. George
Fenwick.

"May it therefore please your most gracious and excellent majesty, to confer upon your humble petitioners, who unanimously do implore your highnesses favor and grace therein, those liberties, rights, authorities, and privileges, which were granted by the aforementioned letters pattent to certain lords and gentlemen, so purchased as aforesaid, or which were enjoyed from those letters pattent granted to the Massachusetts plantation by our fathers, and some of us yet surviving, when there in our beginning inhabiting, and upon which those large encouragements, liberties, and privileges, so great a transplantation from our dear England was undertaken, and supposed to be yet our inheritance, till the running of that western line, the bounded limits of those letters pattents, did, since our removal thence, determine our lot to be fallen without the limits of that so bounded authority.

Prayer for
affirmance
of their
title.

"May it please your majesty graciously to bestow upon your humble supplicants such royal munificence, according to the tenor of a draft or instrument, which is ready here to be tendered at your gracious order.

For further
powers, &c.

"And whereas, besides those many other great disbursements as aforesaid, in prosecution of this wilderness work, your poor petitioners were forced to main-

PART II.

NEW ENGLAND.

Petition
of Con-
necticut
for a char-
ter from
the crown,
1661.

Relations
with the
Indians.

Prayer for
exemption
from cus-
toms.

tain a war against one nation of the heathens, that did much interrupt the beginning of your servants, by many bloody and hostile acts, whereby divers of our dear countrymen were treacherously destroyed, and have, also, been ever since, and are still, at much charge in keeping such a correspondence of peace and amity with the divers sorts of the heathen nations that are round about your plantations, thus far extended into the bowels of the country, besides the maintenance of all public charges for church and civil affairs, which are very great in respect of our great poverty.

"May it please your most excellent majesty, out of your princely bounty, to grant such an immunity from customs, as may encourage the merchants to supply our necessities in such commodities as may be wanting here, for which we have neither silver nor gold to pay; but the supply in that kind may enable, in due time, to search the bowels of the earth for some good minerals, whereof there seems to be fair probabilities, or produce some such other staple commodities, as may, in future time, appear to be the good effects of your majesty's goodness and bounty. If your poor colony may find this gracious acceptance with your majesty, as to grant their humble desire, whereby they may be encouraged to go on cheerfully and strenuously in their plantation business, in hope of a comfortable settlement for themselves and their posterity, that under your royal protection they may prosper in this desert; they shall, as is their acknowledged duty, ever pray for your great tranquility and perpetual happiness; and humbly craving leave, they subscribe themselves your majesty's loyal subjects and servants, the general court of the colony of Connecticut, in New England; *per order,*

DANIEL CLARK, Secr'y."

*1 Col.Rec.
of Conn.,
511.

"June 7th, 1661."*

Governor Winthrop, Jr., was appointed agent to present the foregoing petition to the crown on behalf of

the colony; and "to improve his abilities to procure a Letter of
 pattent, it was ordered and enacted that his charges and Connec-
 expenses should be defrayed out of £500 set apart for ticut to
 the purpose." He was furnished with a letter or memo- Lord Sey
 rial addressed to Lord Sey and Seale of the same date and Seale,
 with the petition, which fully sets forth the position and on peti-
 object of the colony of Connecticut in making this tioning for
 application for a royal charter. It reads: a charter,
 1661.

"Right Honorable. The former encouragements that
 our fathers, and some of their yet surviving associates,
 received from your honor to transplant themselves and
 families into these inland parts of this vast wilderness,
 where (as we have been given to understand) your
 honor was, and as we conceive and hope is still, interest-
 ed, by virtue of pattent power and authority, doth not
 only persuade us, but assure us of your patronage and
 favor, in that which may come within your power,
 wherein our comfort and settlement, and the well-being
 of our posterity and the whole colony, both in civil and
 ecclesiastical policy, is so deeply concerned: *Honor- Their set-
 able sir*; not long after that some persons of note tlement,
 amongst us, and well known to yourself, whose names how en-
 in that respect we forbear to write, had settled upon couraged.
 this river of Connecticut, and some plantations up the
 river were possessed, and in some measure improved,
 Mr. George Fenwick took possession of Seybrook fort,
 there residing for certain or several years; at length he
 was moved, for ends best known to himself, to return
 to England, and thereupon propounded by himself our
 agent, the sale of the fort, with the housing there, and
 several appurtenances, together with all the lands on
 the river, and so to the Narragansetts Bay, with juris- Negotia-
 diction power to this colony, which was exceedingly tions with
 opposed by several amongst us, whom some of us have Mr. Fen-
 heard to affirm that such a thing would be very distaste- wick for
 ful to your honor, with the rest of the noble pattentees, Saybrook.
 who had very bountiful intentions to this colony: Nev-
 ertheless, tho' there was a stop for the present, yet in

Letter of
Con-
nect-
icut to
Lord Sey
and Seale,
on peti-
tioning for
a charter,
1661.

some short time (God removing some from us by death, that were interested in the hearts and affections of several of those nobles and gentlemen, the pattentees in England) the business of purchase was revived by Mr. Fenwick, and expressions to this purpose given out by him, or his agents, or both; that he had power to dispose of the premises, the rest of the pattentees deserting, it fell into his hands by agreement, and in case the towns on the river refused to comply with such terms as he proposed for the purchasing of the said fort, &c., it was frequently reported that he purposed either to impose customs on the river, or make sale thereof to the Dutch our noxious neighbors; at last, for our peace, and settlement, and security, (as we hoped) we made, by our committee, an agreement with the said Mr. Fenwick, a copy whereof is ready to be presented unto your honor, which cost this river one thousand six hundred pounds, or thereabouts, wherein your honor may see the great abuse that we received at Mr. Fenwick's hands, he receiving a vast sum from a poor people, and we scarcely at all advantaged thereby; nay, we judge our condition worse than if we had contented ourselves with the patronage of the grand pattentees, for we have not so much as a copy of a pattent to secure our standing as a commonwealth; nor to insure us of the continuance of our rights, and privileges, and immunities, which, we thought, the jurisdiction power and authority which Mr. Fenwick had, engaged to us, and we paid for at a dear rate; nor any thing under his hand to engage him and his heirs, to the performance of that which was aimed at and intended in our purchase: The lands up the river for a long tract the Mattachusetts colony doth challenge, and have run the line, which, as they say, falls into one of our towns. On the other side towards Narragansett we know not how to claim, being destitute of pattent and a copy to decide the bounds.

Difficulties
as to their
title.

Their ad-
dress to his
majesty.

"Be pleased, Noble Sir, to consider our condition, who

have taken upon us this boldness to address to his majesty, our sovereign lord, and to petition his grace and favor towards us, in granting us the continuance of those privileges and immunities that we have hitherto enjoyed in this remote western part of the world; and likewise for a pattent whereby we may be encouraged and strengthened in our proceedings.

Letter of Connecticut to Lord Sey and Seale, on petitioning for a charter, 1661.

“*Right Honorable*, our humble request to yourself is, that you would be pleased to countenance our enterprise, and so far to favor us as to counsel and advise our agent, who is to represent this poor colony, and to act in our behalf, John Winthrop, Esq., our honored governour, whom we have commissioned, and also directed, to await your honor’s pleasure for advice and counsel, both respecting our petition to the king’s majesty, as also respecting the case aforementioned, that if there be any relief for us, we may not lose such a considerable sum of money, and be exposed to further expense for the obtaining a pattent.

“If we may find this favor with your honor to afford your advice and counsel, and helpfulness to bring to pass our desires, we shall still acknowledge your enlarged bounty and favorable respect to us and ours, and ever pray an inundation of mercies may flow in upon your lordship from the author and fountain of blessing. With all due respects, we subscribe, sir, your lordship’s humble servants the general assembly of the colony of Connecticut. Per their order signed

Conclusion of the letter.

Per DANIEL CLARK, Sec’y.

1 Trumbull’s Connecticut. 513.

With these and other like preliminary preparations, Governor Winthrop proceeded on his mission to England. He arrived in London in the fall of the same year, and at once sought the Lord Sey and Seale as the most reliable patron of his enterprise, to secure whose commanding influence seemed a requisite all important to his success. He prefaced his operations by addressing a letter to that nobleman who was not then

Negotiations of Mr. Winthrop for a charter. in London, enclosing the letter of the general court; to which he received a reply dated December eleventh, as follows, viz:

Letter of
Lord Sey
and Seale,
London,
Dec. 11,
1661.

* 1 Trum-
bull's Hist.
of Conn.,
515.

"Mr. Winthrop,—I received your letter, by Mr. Richards, and I would have been glad to have had an opportunity of being at London myself to have done you, and my good friends in New England, the best service I could; but my weakness hath been such, and my old disease of the gout falling upon me, I did desire leave not to come up this winter; but I have written to the Earl of Manchester, Lord Chamberlain of his majesty's household, to give you the best assistance he may, and indeed he is a noble and worthy Lord, and one that loves those that are godly. And he and I did join together that our godly friends of New England might enjoy their just rights and liberties; and this Colonel Crowne, who I hear is still in London, can fully inform you: Concerning that of Connecticut, I am not able to remember all the particulars, but I have written to my Lord Chamberlain, that when you shall attend him, (which I think will be best for you to do, and therefore I enclose a letter to him, in yours, that you may deliver it) and I have desired him to acquaint you where you may speak with Mr. Jesup, who, when he had the patent, was our clerk, and he I believe, is able to inform you best about it, and I have desired my Lord to wish him so to do. I do think he is now in London. My love remembered unto you, I shall remain

Your very loving friend,

W. SEY AND SEALE.*

Interview
of Gov.
Winthrop
with
Charles II.

Under these auspices governor Winthrop went more directly to work to accomplish the purposes of his agency, and appeared before Charles II. to solicit a charter of incorporation for the infant colony. Whether we consider the man, his mission, or the monarch to whom he addressed himself, the occasion and the scene were thrillingly interesting, impor-

tant, and impressive. The subjects who had gone out as exiles from the kingdom and planted themselves on a far distant shore, and grown into an independent community during the agitations of a revolution which sought to annihilate all the prerogatives of kingly power in the parent state, now return in the person of their own political head, chosen by their own suffrages, and ask that their political existence and institutions may be acknowledged and secured to them, by the sanction of a monarch who had just come up to his throne fresh from the horrors and the blood of that same revolution.

The occasion and the scene.

Well might the agent for the colony doubt the success of his petition; well might the panting monarch hesitate to grant it. Still Winthrop had the benefit of an engaging person, affable manners and courtly accomplishments, and was backed by an array of powerful friends and allies. Charles was not unmoved by these advantages, and yet he seemed seriously to feel the political importance of his position in the premises, and whatever other influences may have been brought to bear upon him he would probably have refused to grant the charter, but for an appeal made to his heart which overpowered his more careful judgment. The instrument was all prepared and it waited only the great seal and the king's autograph, to perfect it. Winthrop was a finished diplomatist, and undoubtedly chose the fittest moment for his purpose. He approached his majesty with the charter in hand, and drew from his own finger a favorite ring which Charles I. had presented to his grandmother. Feelingly, yet courteously, he presented it to the king, coupling the presentation with well-conceived and well-uttered assurances of loyalty. The charter of Connecticut received the royal seal and signature on the twenty-third day of April, 1662.

The charter procured, April 23d, 1662.

This grant incorporated the patentees under it as *The Governor and Company of the English Colony of Connecticut in New England in America.* John Win-

Style of the corporation.

throp was thereby appointed governor ; John Mason deputy governor, with twelve others named as assistants.

Reception
of the
charter
in the colo-
ny, 1662.

Proceed-
ings there-
upon.

* 1 Trum-
bull's Col.
Rec.

Under it the same general form of government and administration was continued in the colony which had previously obtained. The charter itself was sought for and regarded by the people more as a grant of title in the territory, and a guarantee of their liberties from the crown, than the basis for any essential modification of their existing constitution and laws. It was received in the colony and "publicly read in the audience of the freemen, and declared to belong to them and their successors," at Hartford, October ninth. A committee of three persons was instantly appointed "to take the charter into their custody, in behalf of the freemen;" the court first administering to them an oath for the due discharge of the trust committed to them. At the same time it was enacted and decreed, "that the town of Hartford should thereafter be the settled place for the convocation of the general assembly, at all times, unless upon occasion of epidemical diseases, sickness, or the like." All officers in the colony, both civil and military, were "established in their respective places and power as formerly until further order."*

The most important feature in this patent with which we are at present concerned was, that it embraced within its precincts the two colonies of Connecticut and New Haven. It did not refer in words to the latter, still it included its territorial limits within the terms of the grant. That the distinct existence of the plantation at New Haven should have been overlooked or disregarded seemed at least something strange. The manner, too, in which the charter was received and disposed of on its arrival, and the instant assumption of power under it by the government of Connecticut, without advising with New Haven, seemed likewise singular. The governor and all the officers named in the

patent belonged in Connecticut. It is not therefore surprising that the government of the colony of New Haven were indignant at these proceedings on the part of Connecticut. They insisted that the whole thing was an unjust and impertinent interference with their rights and independence. They protested not only against the proceeding under which the grant was procured, as in itself insolent and offensive; but insisted also that the construction given to it by Connecticut was an infringement of their prerogatives. They claimed that it did not, and was not intended to include them in its provisions, and they therefore determined to adhere to their own separate organization and government. The contest between them was carried on with rancorous hostility; nor was it at all softened by the subsequent action of the general court of Connecticut whereby—"the court *voted* that they would not send the patent nor copy thereof to be read at New Haven."^{*1}

The charter, how regarded by New Haven.

^{*1} Trumbull's Col. Rec., 405.

But it is not necessary to my purpose to enter into the details of this controversy between the two colonies. The case to them was not without its difficulties. These originated mostly in the variety of sources whence the titles to the different settlements were derived. There was the commission of Lord Sey and Seale, and others, patentees of the crown, to the junior Winthrop, dated July seventh, 1635, authorizing him to erect a trading station at or near the mouth of the Connecticut river, and which was subsequently transferred to Col. Fenwick, under the same patronage in England. Then there was the commission issued out of the general court of Massachusetts Bay for the government of Connecticut. After this followed the purchase of Saybrook from Col. Fenwick; superadded to all these there existed a claim on the part of Connecticut, based upon the conquest of the country from the Indians in the Pequot war.

March 3, 1636.

From all these sources Connecticut derived her show

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Controversy between the two colonies about the charter, 1662-3.

of title to the territory, and insisted on its priority to that of New Haven, while the latter plantation based her claims on no other source than the purchase from the Indians; or in more modern phrase perhaps, her's was merely the right of pre-emption in the soil. Under this state of facts I cannot for myself see that any injustice was done to New Haven in the application of the colony of Connecticut for a patent from the crown. It is no objection that the charter itself, as stated in their petition, was drafted in the colony, so long as the description of its precincts was based upon the foregoing sources of title. Without any prejudices or feeling in favor or against either party to the controversy, it is difficult to see that the colony of New Haven had even the shadow of a title such as would sustain a protest against the issuing of a charter to the people of Connecticut. So far as we can judge of it, I am inclined to think that her hostility is referable to the distinctive religious opinions and political aims of a few ambitious and aspiring men, rather than to any general sentiment of dissatisfaction among the people. Those, however, who desire more curiously to speculate in the premises, may find the case of New Haven very ably, if not correctly, stated in an order of the general court of that colony, bearing date March 9, 1663.*

* 1 Hollister's Hist. Conn. App.

The result of the controversy was an appeal to the crown. This appeal was arrested by assurances on the part of the agent who had been deputed to procure the charter, that the union should not be considered complete unless it was voluntarily assented to by New Haven. But Connecticut, notwithstanding, persisted in claiming that "the distinct standing from them in point of government by New Haven, was directly opposite to the tenor of the charter lately granted, in which both plantations were inclosed,"† and proceeded to exercise jurisdiction over the towns and territory within the limits claimed by the colony of New

† 1 Trumbull's Col. Rec., 437.

Haven. After a spirited course of correspondence and negotiation, however, and certain concessions and stipulations made in favor of New Haven, the enmity was allayed, and the two colonies became fully and inseparably united under the same form of government, in November, 1664.

Union of the two colonies under the charter to Conn., 1664.

At a subsequent meeting of the general court, held at Hartford, in April following, it was voted, "this court doth hereby declare that all former actings that have past by the former power at New Haven, so far as they have concerned this colony, (whilst they stood as a distinct colony) though they in their own nature have seemed uncomfortable to us, yet they are hereby buried in perpetual oblivion, never to be called to account."*

All animosities buried by order of the court, 1665.

* 1 Trumbull's Col. Rec., 440.

The magistrates, assistants and delegates of the people sat together as one house until the year 1698, when the general court was divided into two branches, the magistrates and assistants composing the upper house, and the delegates the lower house.

Division of the general court, 1698.

In 1675, Sir Edmond Andros, then governor of the province of New York, attempted to usurp authority over a portion of the territory comprehended within the limits of the patent to Connecticut. He sailed from the city of New York, then New Amsterdam, for this purpose, with a small fleet, and proceeded to Saybrook, where he hoisted the king's flag and demanded a surrender of the fort. He was answered, however, by a display of the same flag and vigorous preparations for a defence of the place. He was permitted to land, and upon landing attempted to read his commission from the crown, but being opposed in a manner which forewarned him of the result if he persisted, he returned to New York without having established his jurisdiction over it. He returned again in about ten years from this period. James II., on his accession to the throne, proposed to consolidate all the colonies of New England—which had now increased in population to about fifty thousand inhabitants—by erecting over them a general colonial administration. He accordingly

Gov. Andros' attempt upon Ct.

Accession of James II., 1685.

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Sir Ed- commissioned Sir Edmond Andros, as captain-general
mond An- and vice-admiral, &c., empowering him with the assist-
dros' ap- ance of a council appointed by the crown, to rule over
pointment to the gov- them, and to make ordinances for their government.
ernment of New Eng- In pursuance of this commission Andros proceeded to
land. Boston and proclaimed the overthrow of all the New

Sir Ed-
mond in
Conn.,
1687.

England charters. He arrived in Hartford on the
thirty-first day of October, with a part of his coun-
cil and a military escort. He immediately caused
proclamation to be made that the government of Con-
necticut was dissolved. On the twentieth of November

He enters
the assem-
bly and de-
mands the
charter.
His recep-
tion.

he entered the place where the general assembly was
then in session, and demanded a surrender of their
patent from the crown. The assembly treated him
with all outward respect; a passing to and fro in the
house, the governor and assistants conferring together,
and a general stir among the delegates, gave the ap-
pearance of preparation to comply with his demand,
while it protracted the session into the evening, when
the chamber was lighted up as if for further consulta-
tion. At length the house seemed to have come to a

The char-
ter
brought
into the
assembly.

decision, and the committee to whom the charter had
been entrusted for safe-keeping, were called upon to
bring it into court. It was brought in, inclosed in a
long black box, under a lock and key. The secretary
took the charter from the box and held it up before the
assembly, when the governor directed him to replace
it in the box, and to lay it on the table, *and to leave the*

* 1 Hollis-
ter's Hist.
Conn. p.
315, note.

*key in the box, which he did forthwith.** The lights
were then extinguished, and Sir Edmond and his new
subjects sat in darkness and silence together. While
they were thus employed the charter passed from among
them and found a resting place in the trunk of an oak
tree in the suburbs of the town, which has been ever
since known and venerated as the Charter Oak. When
the candles were relighted the box and its contents
were nowhere to be found. How it went, and whither
it had gone, was a matter of profound mystery to all.

The char-
ter disap-
pears.

Sir Edmond Andros ruled over New England until

the revolution of 1688, in England. His administration was of the most arbitrary character, and signalized by frequent acts of high-handed oppression. In this, however, he but followed the will and the example of his sovereign master, James II. The one in England and the other in America were the embodiment of the same reckless spirit of tyranny and usurpation. The revolution which closed the mad career of the king in the parent state, terminated also the exaltation of his captain-general and vice-admiral in the colonies in America. When James fled from his capital and abandoned his throne, the commission and the power of Andros expired, and ceased to be respected in New England. On the accession of William and Mary he was deposed and the colonies resumed the exercise of all the rights and powers which they had enjoyed under their respective charters.

On the accession of William and Mary.

The constitutional code adopted by the colony of Connecticut was derived chiefly from the Mosaic Institutes, and declared those offences penal which were so declared in the Bible. It enjoined upon her officers and magistrates a regular attendance upon public worship, was rigorous in enforcing the observance of moral and religious obligations, and punished delinquencies with the severest penalties.

From this period onward the progress of the colony was not marked by any fundamental changes in her government or institutions material to be observed until we come to the more general governmental history of the colonies, which forms part third of this work. Connecticut was less disturbed by those divisions and conflicts about faith and forms of worship, and remained more equably, pure and true to the original principles of her puritan ancestry than any other of the New England colonies. Even at this distant day we may trace the beneficial results of what have been termed her "bigoted enactments." The were like the early discipline of a child in the faith

Character of her people and laws.

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Character
of the peo-
ple and
laws of
Connecti-
cut.

and precepts of religion and virtue. They stamp their impression upon the heart, and manhood with the wisdom bought by experience and reflection, only removes whatever of error, superstition, or bigotry, may have accompanied their early inculcation, while the vital principle itself remains to preserve from vice and infamy. Just so has it been with the protestant influences set in operation by the puritans in Connecticut: Nor is there any portion of our now extended territory where the religious virtues have so powerful an ascendancy; or where the moral character is developed in more beautiful and attractive proportions; or where we can mark so little deviation from the principles and practical piety of our pilgrim fathers. Here the good seed sown by them seems to have fallen on its most genial soil. The errors, superstitions, and intolerance, which necessarily accompanied their early and not well instructed, because persecuted zeal, have gradually faded away before the progress of education and refinement, and she retains only the simplicity and sincerity of their devotion, the steadfastness of their faith, and, running through all her institutions, the purity and integrity of their principles. Her political fabric is the least complicated of republican forms, and her government is the most purely democratic in the world.

THE COLONY OF RHODE ISLAND.

Origin of
the colony.

In the year 1631, Roger Williams, of Salem, in the colony of Massachusetts Bay, promulgated substantially the following sentiments—that all persons who had held communion with the church of England should openly confess their error; that saints ought

Tenets of
Roger Wil-
liams of
Salem.

not to hold communion with sinners either in worship or oath; that it was unlawful for regenerate persons to pray with those who were not, even though wife and children; that the civil magistrate ought not to interfere in matters of religious faith and practice; that thanks ought not to be given after the sacrament nor

after meat; that intoleration is persecution; and that the patent of the king disposing of the lands belonging to the Indians was void. In June, 1635, Mr. Williams was summoned to appear before the general court of Massachusetts Bay, then in session at Boston, to answer to charges made against him "for these his divers dangerous opinions." It seems that he had been called to the office of elder in the church at Salem, after the people had been formally advised of his errors: On his appearance before the general court, "much debate was about these things. The said opinions were adjudged by all, magistrates and ministers, (who were desired to be present,) to be erroneous and dangerous, and the calling of him to office at that time was judged a great contempt of authority. So, in fine, there was given to him and the church at Salem, to consider of these things till the next general court, and then either to give satisfaction to the court, or else to expect sentence. It being professedly declared by the ministers, (at the request of the court to give their advice,) that he who should obstinately maintain such opinions, (whereby the church might run into heresy, apostacy, or tyranny, and yet the civil magistrate could not inter-meddle,) was to be removed, and that the other churches ought to request the magistrates to do so."*

He is summoned before the general court.

His hearing before the court.

* Winthrop's Journal.

Whatever may be thought of the proceedings of the general court in the premises, it must be conceded that they gave the accused the benefit of an ample hearing, and a free and open discussion, and were not hasty in their judgment, the matter having been variously considered from 1631 to this time: This he could not have received in the parent state. The fact deserves to be noted as one of the phases in which the elements of political and religious liberty were at this time being progressively developed in America. In September of the same year Mr. Williams "was again convented, and all the ministers in the Bay being desired to be present, he was charged with two letters, one to the churches com-

Action of the court.

Origin of the colony. plaining of the magistrates for injustice, extreme oppression, &c. ; and the other to his own church to persuade them to renounce communion with all the churches in the Bay as full of anti-christ, pollution, &c.

Mr. Williams disputes with Mr. Hooker, 1635.

Is sentenced into banishment.

Is disclaimed by his own church.

*Winthrop's journal.

Sentence of the General Court of Mass. Bay.

† 1 Col. Records of Mass., 160.

He justified both of these letters, and maintained all his opinions, and being offered a further conference or disputation, and a month's respite, he chose to dispute presently: So Mr. Hooker was appointed to dispute with him, but could not seduce him from any of his errors. So the next morning the court sentenced him to depart out of the jurisdiction within six weeks; all the ministers save one approving the sentence. His own church had him also under question for the same cause, and he, on his return home, refused communion with his own church, who openly disclaimed his errors and wrote an humble submission to the magistrates, acknowledging their fault in joining with Mr. Williams in that letter to the churches against them.”*

The sentence pronounced by the general court was in these words:

“*Whereas*, Mr. Roger Williams, one of the elders of the church of Salem, hath broached and dyvulged dyvers newe and dangerous opinions against the authoritic of magistrates, as also writ letters of defamacion, both of the magistrates and churches here, and that before any conviction, and yet mainetaineth the same without retraccion, *it is therefore ordered*, that the said Mr. Williams shall departe out of this jurisdiction within six weekes nowe next ensueinge; which if he neglect to perform, it shall be lawfull for the governour and two of the magistrates to send him to some place out of this jurisdiction, not to return any more without licence from the court.”†

Mr. Williams for a while disregarded this sentence. On the eleventh of January following the general court of Massachusetts Bay resolved to send him to England, but the officers sent to Salem to apprehend him and

convey him on board of the ship, found that he had departed thence three days before their arrival. Origin of the colony.

Roger Williams was no ordinary character, and it is apparent from the conspicuous attention given to his opinions by the general court of Massachusetts Bay, Roger Williams. that he was a man of extraordinary power and influence. His earnest piety and unquestioned sincerity were combined with scholarly attainments, an imposing personal presence, and a power in debate and an eloquence in discourse which were singularly attractive. It added much to his prominence and distinction that even "so learned and eloquent a divine as Thomas Hooker," was not able to foil him in a controversial argument. Of his peculiar religious notions I do not care to speak particularly. He commends himself to our notice as the powerful advocate of two essential political elements in the protestantism of the puritans which The political elements embodied in his creed. were at this time, as I have elsewhere observed, struggling into active development, both in England and America. These were, the separation of the civil and ecclesiastical power in the state, and freedom of religious opinion in the subject. To these we might add, that nice sense of right which respected the proprietorship of the Indians in the soil.

Such was his position and such the man who in the full vigor of life, for his liberal views, had been proscribed in his native land, and now stood upon the threshold of the home of his exile, looking out upon the wilderness into which, for the same reason, he had been banished. There was something peculiarly characteristic and patriarchal in the manner in which he went forth "not knowing whither he went." Wandering to the southward as far as the ocean, he came among the Narragansett tribe of Indians. Cultivating a friendly disposition with them and treating them as the owners of the soil, he was admitted as a guest into their wigwams, entertained with kindness and attention for nearly three months by their sachems, and permit- Departure of Roger Williams from Mass. Bay, January, 1636.

Origin of the colony. ted to traverse the country without molestation. Thus he passed several months "sorely tossed," as he says, "for fourteen weeks in a bitter winter season." On the opening of the spring he obtained a grant of land from one of the chiefs, near the northern extremity of the Narragansett Bay, at a place called Seekonk,* where he planted himself and prepared to make a permanent settlement.

* Wilson's
U. S.

Influence
of Mr. Wil-
liams' opin-
ions in
Mass. Bay.

Meanwhile the church of Salem was still infested with Mr. Williams' opinions, "so as most of them held it unlawful to hear in the ordinary assemblies of England, because their foundation is anti-christian; and we should, by hearing, hold communion with them: and some went so far as they were ready to separate from the church upon it. Whereupon the church sent two brethren and a letter to the elders of the other churches for their advice in three points.

"1. Whether, for satisfying the weak, they might promise not to hear in any false church? This was not thought safe, because then they should draw them to the like towards the other churches here, who were all of opinion that it was lawful, and that hearing was not holding communion.

Action
with refer-
ence to
those hold-
ing them.

"2. If they were not better, to grant them dismission to be a church by themselves? This was also opposed for that it was not a remedy of God's ordering; neither would the magistrates allow them to be a church, being but three men and eight women; besides, it were dangerous to raise churches on such grounds.

* Win-
throp's
Journal.

"3. Whether they ought then to excommunicate them if they did withdraw? This was granted; yet withal, that if they did not withdraw or run into contempt, they ought in these matters of difference of opinion in things not fundamental nor scandalous, &c., to bear each with other."*

Here we may observe, in passing, is another indication of the development of protestant freedom, soften-

ing down the asperities of religious strife, and producing the better fruits of forbearance and charity. Origin of the colony.

Those who were made the subjects of this action of "the elders and brethren" withdrew themselves from the church at Salem and joined Mr. Williams at Seekonk. They had hardly begun to arrange and lay out their settlement, when governor Winslow, of New Plymouth, notified Mr. Williams that he was within the jurisdiction of that colony, and advised him to remove beyond its limits. In a letter written to Major Mason, bearing date at Providence, July twenty-second, 1670, in referring to this period, he says:

"I first pitched and began to build and plant at Seekonk, now Rehoboth, but I received a letter from my ancient friend, Mr. Winslow, then governor of Plymouth, professing his own and others' love and respect to me, yet lovingly advising me, since I was fallen into the edge of their bounds, and they were loth to displease the Bay, to remove to the other side of the water, and then, he said, I had the country free before me, and might be as free as themselves, and we should be loving neighbors together."* Notified to leave Seekonk. * 1. Col. Records R. I., 13.

Accordingly, in the month of June, he and his associates, five in number, embarked in an Indian canoe upon the bosom of the Narragansett Bay, and rowed along its shore till they came to an Indian settlement called Mosshassneck, where they landed. Mr. Williams was not unknown to the natives, and was received with marked demonstrations of friendship. They made him generous offers of accommodation and permitted him to roam freely over their territory.* Finding a spot suitable for his purposes, he purchased a title to the land of an Indian chief, and made arrangements to plant a settlement. In a spirit of thankful acknowledgment for past mercies, and confident trust that God had guided his wandering footsteps, he called it Providence. His removal. * Wilson's U. S.

There was certainly something peculiarly character-

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Origin of the colony. istic, expressive, and appropriate, in this designation of his plantation, in connection with all the circumstances we have narrated, of his banishment, his perilous and lonely pilgrimage through the wilderness into which he was driven, and his hazardous and unprotected entrance

Settlement among the fierce Narragansett tribes. It was also a befitting name to give to a settlement which was the first in America to witness the establishment of a government in which the ecclesiastic ruled only in the church, the civil magistrate only in the state, and God alone over the consciences of men. Which was the first also to demonstrate to mankind that the harmonious administration of government, and obedience to the laws, were compatible with any variety of discord-

Political character-istics involved in its settlement.

ant opinions in matters of religion. All that was required of those who came into Mr. Williams' plantation at this early period was, that they should submit to all laws passed by the majority of the inhabitants, provided they did not affect the conscience. The association was a pure democracy. Mr. Williams was its founder and director, and yet he claimed no peculiar power, or prominence, or prerogatives; while he freely conveyed to settlers portions of the territory which he had originally purchased for himself; and of which he said, in 1656, "they were mine owne as truly as any man's coat upon his back."*

* 1 Col. Records of R. I., 351.

The opening of a new era in New England.

The planting of Rhode Island was a new era in the progress of protestant freedom, and disclosed new features in political and social organization; it opened a new home even in America to all who wished to avoid, or escape from, the conflicts generated by those differences of opinion in matters of religion which had obtained in the elder colonies, and which had already dispersed the people and swelled the number of independent plantations in New England. The opinions of Roger Williams, as we have seen, were not forgotten or without their effect, even after his banishment.

Mrs. Hutchinson's errors.

In the month of October, 1636, the famous Mrs. Hutch-

inson, "a member of the church of Boston, a woman of ready wit and bold spirit, brought over with her two dangerous errors. 1. *That the person of the Holy Ghost dwells in a justified person.* 2. *That no sanctification can help to evidence to us our justification.* There joined with her in these opinions a brother of hers, one Mr. Wheelright, a silenced minister some time in England. The matter was brought before the general court, and the ministers of the Bay hearing of these things came to Boston at the time of the general court, and entered into a private conference with them to know the certainty of these things; that if need were they might write to the church of Boston about them, to prevent, if it were possible, the danger which seemed hereby to hang over that and the rest of the churches."*

Origin of
the colony.

Mrs.
Hutchin-
son and
the general
court of
Massachu-
setts Bay,
Nov. 1636.

* Win-
throp's
Journal.

This conference having satisfied Mr. Cotton, no action was taken in the matter by the general court, although it gave rise to a good deal of controversy and discussion among the members. Mrs. Hutchinson was permitted to go free and to promulgate her "dangerous errors," and to multiply converts to her peculiar faith. The next year she started what was called the "antinomian heresy," maintaining "that faith without works would secure salvation;" and she also commenced preaching. In November "the general court sent for Mrs. Hutchinson, and charged her with divers matters, as her keeping two public lectures every week in her house whereto sixty or eighty persons did usually resort; and for reproaching most of the ministers, viz., all except Mr. Cotton, for not preaching a covenant of free grace, and that they had not the seal of the spirit, nor were able ministers of the New Testament, which were already proved against her; though she sought to shift it off, and after many speeches to and fro at last she was so full as she could not contain but vented her revelations, amongst which this was one—That she had it revealed to her that she should come into New England, and should here be presented, and that God would

Further
"errors"
of Mrs.
Hutchin-
son, 1637.

Action of
the general
court.

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Origin of
the colony.
Sentence
against
Mrs.
Hutchin-
son.

ruin us and our posterity and the whole state for the same.—So the court proceeded and banished her; but because it was winter they committed her to a private house in Roxbury, where she was well provided, and her own friends and the elders permitted to go to her, but none else.” She was afterwards again called and examined upon a charge that she “persisted in maintaining those gross errors before mentioned, and many others to the number of thirty or thereabout—these were clearly confuted, but yet she held her error, so as the church, all but her two sons, agreed she should be admonished, and because her sons would not agree to it they were admonished also.”*

* Win-
throp's
Journal.

Further
proceed-
ings
against
her.

Upon these proceedings on the part of the church the sentence of banishment was revived in the general court, and in the spring of the year 1638, March twelfth, it was “*ordered* that she shall be gone by the last of this month, and if she be not gone before, she is to be sent away by the council without delay, by the first opportunity; and for the charges of keeping her at Roxbury, *order is given* to levy it by distress of her husband's goods.”†

† 1 Mass.
Col. Rec.,
226.

She goes
to Provi-
dence.

With her husband and two sons, and a large number of followers, Mrs. Hutchinson proceeded to Providence, where they were kindly received by Roger Williams. At about the same time Mr. William Coddington and some eighteen others were compelled to leave Massachusetts Bay on account of their religious opinions. They also proceeded to the country of the Narragansetts and laid the foundation of Portsmouth. Others still followed in the succeeding year and planted Newport. These three plantations subsequently united under the same compact, purchased the whole island of the Indians, and soon became the seat of a prosperous and thriving colony.

Settlement
of Ports-
mouth and
Newport,
1638-39.
See Wil-
son's U. S.

The earliest and most serious source of embarrassment experienced by the people of these plantations originated in the tenure by which they held their title to the soil. Being derived entirely from the Indians, it

was insufficient to protect them from the claims and encroachments made by their more fortunate neighbours, who boasted of their patents directly from the crown; or of a title derived under a grant from some of the royal patentees. Feeling the necessity and importance of a higher claim to the territory, in order to establish a jurisdiction in and over its settlements which might be respected by the older colonies, they sent Roger Williams to procure a patent. He arrived in England soon after the civil commotions which now agitated the kingdom had given parliament the ascendancy in the government; when Charles I., becoming involved in a fearful controversy with the factions which guided and controlled its deliberations, was banished from his capitol.* These circumstances operated favorably upon the mission of Mr. Williams: He preferred his petition to parliament, and succeeded so well that on the second day of November, the Lords and Commons in parliament assembled, passed an ordinance appointing Robert, earl of Warwick, "Governor in chief and lord high admiral of all those islands and plantations inhabited, planted, or belonging to any of his majesty's subjects, within the bounds and upon the coast of America;" which ordinance was as follows, viz:

Embar-
rassments
of the
colony.

Roger Wil-
liams sent
to England
to procure
a patent.

* Hume,
Story.
2 Bartlett's
Colonial
Records.

The suc-
cess of his
mission.

"Whereas many thousands of the natives and good subjects of this kingdom of England, through the oppression of the prelates and other ill-affected ministers, and officers of state, have of late years been enforced to transplant themselves and their families into several islands and other remote and desolate parts of the West Indies; and having there through exceeding great labour and industry, (with the blessing of God) obtained for themselves and their families some competent and convenient means of maintenance and subsistence, so that they are now in a reasonable and settled condition: But fearing least the outrageous malice of papists and other ill-affected persons should reach

Ordinance
of parlia-
ment ap-
pointing
the earl of
Warwick
governor
of certain
parts of
America,
1642.

Ordinance
of Parlia-
ment ap-
pointing
the Earl of
Warwick
gov'r of
certain
parts of
America,
Nov. 2,
1642.

unto them in their poor and low (but as yet peaceable) condition, and having been informed, that there hath been lately procured from his majesty, several grants under the great seal for erecting some new governours and commanders amongst the said planters in their afore-mentioned plantations; whereupon the said planters, adventurers, and owners of land in the said foreign plantations, have preferred their petition unto this present parliament, that, for the better securing of them, and their present estates there obtained through so much extreme labour and difficulty, they might have some such governour and governments, as should be approved of and confirmed by the authority of both houses of parliament.

* Petition
of Roger
Williams.

"Which petition of theirs, the Lords and Commons have taken into consideration; and finding it of great importance, both to the safety and preservation of the aforesaid natives and subjects of this kingdom, as well from all foreign invasions and oppressions, as from their own intestine destractions and disturbances, as also much tending to the honor and advantage of his majesty's dominions, have thought fit, and do hereby constitute and ordain Robert, Earl of Warwick, governor in chief, and Lord high-admiral, of all those islands, and other plantations, inhabited, planted, or belonging to any his majesty's the king of England's subjects; or which hereafter may be inhabited, planted, or belonging to them, within the bounds and upon the coasts of America.*

Council of
Assistants
to the
governor.

"And for the more effectual, speedier, and easier transaction of this so weighty and important a business, which concerns the well-being and preservation of so many of the distressed natives of this, and other his majesty's dominions, the Lords and Commons have thought fit that Philip, earl of Pembroke; Edward, earl of Manchester; William, viscount Sey and Seale; Philip, Lord Wharton; John, Lord Roberts, members of the house of Peers; Sir Gilbert Gerard, knight and

baronet; Sir Arthur Hazlerig, baronet; Sir Henry Vane, Jr., knight; Sir Benjamin Rudyer, knight; John Pym; Oliver Cromwell; Dennis Bond; Miles Corbet; Cornelius Holland; Samuel Vassal; John Rolles; and William Spenstowe, Esqs., members of the House of Commons, shall be commissioners to join in aid and assistance with the said Earl of Warwick, chief governor and admiral of the said plantations;

Commission of Parliament to the Earl of Warwick and others, Nov. 2, 1642.

“Which chief governour, together with the said commissioners, or any four of them, shall hereby have power and authority to provide for, order and dispose, all things which they shall from time to time find most fit and advantageous to the well-governing, securing, strengthening, and preserving of the said plantations; and chiefly to the preservation and advancement of the true protestant religion among the said planters, inhabitants; and the further enlargement and spreading of the gospel of Christ amongst those that yet remain there, in great and miserable blindness and ignorance.

Powers of governor and council.

To secure the spread of Protestant Christianity.

“And for the better advancement of this so great a work, it is hereby further ordained, by the said Lords and Commons, that the aforesaid governour and commissioners shall hereby have power and authority, upon all weighty and important occasions, which may concern the good and safety of the aforesaid planters, owners of land, or inhabitants of the said islands and plantations, which shall there be within twenty miles of the place where the said commissioners shall then be; and shall have power and authority to send for, view and make use of, all such records, books and papers, which do or may concern any of the said plantations.

Power of the governor and commissioners.

May send for persons and papers.

“And because the well settling and establishing of such officers and governours, as shall be laborious and faithful in the right governing of all such persons as be resident in or upon the said plantations, and due ordering and disposing of all such affairs as concern

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NEW ENGLAND.

Commission of Parliament to the Earl of Warwick and others, Nov. 2, 1642.

Power to appoint colonial governors and other officers.

To fill vacancies in their own body.

To remove colonial officers, &c.

No other governor or officers to be received by the colonies.

May assign their authority.

the safety and welfare of the same, is of very great advantage to the public good of all such remote and new plantations, *it is hereby further ordained and decreed*, that the said Robert, Earl of Warwick, governor in chief and admiral of the said plantations, together with the aforesaid commissioners, * * * * * or the greater number of them, shall have power and authority, from time to time, to nominate, and appoint, and constitute all such subordinate governours, councillors, commanders, officers and agents, as they shall judge to be best affected, and most fit and serviceable for the said islands and plantations; *and shall hereby* have power and authority, upon the death or avoidance of the aforesaid chief governor and admiral, or any the other commissioners before named, from time to time, to nominate and appoint such other chief governour and admiral, or commissioners, in the place or room of such as shall so become void.

“And shall also hereby have power and authority to remove any of the said subordinate governours, councillors, commanders, officers, or agents, which are, or shall be appointed to govern, counsel or negotiate the public affairs of the said plantations; and in their place and room to appoint such other officers as they shall judge fit. *And it is hereby ordained* that no subordinate governours, councillors, commanders, officers, agents, planters, or inhabitants whatsoever, that are now resident in, or upon, the same islands or plantations, shall admit or receive any other new governours, councillors, commanders, officers, or agents, whatsoever, but such as shall be allowed and approved of under the hands and seals of the aforementioned commissioners, or any six of them, or under the hands and seals of such as shall authorize thereunto.

“And whereas, for the better government and security of the said plantations and islands, and the owners and inhabitants thereof, there may be just and fit occasion to assign over some part of the power and author-

ity (granted in this ordinance to the chief governour and commissioners aforementioned) unto the said owners, inhabitants, or others; *it is hereby ordained*, that the said chief governour and commissioners mentioned, or the greater number of them, *shall hereby be authorized* to assign, ratify, and confirm so much of their aforementioned authority and power, and in such manner and to such persons as they shall judge fit, for the better governing and preservation of the said plantations and islands, from open violence and private disturbance and distractions.

“*And lastly*, that whosoever shall do, execute, or yield obedience to, anything contained in this ordinance, shall, by virtue hereof, be saved harmless and indemnified.”*

Commission of Parliament to the Earl of Warwick and others, Nov. 2, 1642.

* 1 Hazard's State Papers, 353.

This ordinance originated in the application of Roger Williams for a patent for the colony of Rhode Island, and is another proof of the extraordinary character and influence of the man. Referring to this period in a letter to Major Mason in 1661, he says—“considering [upon frequent exceptions against Providence men] that we had no authority for civil government, I went purposely to England, and *upon my report and petition* the parliament granted us a charter of government for these parts, so judged vacant on all hands: And upon this the country about us was more friendly, and wrote to us, and treated us as an authorized colony, only the difference of our conscience much obstructed.”†

Roger Williams' negotiations for the patent, 1638-43.

† 1 Bartlett's Colonial Record, I., 458.

How far, if at all, this ordinance of parliament subsequently affected the other New England colonies, it may be material to enquire more carefully hereafter, but it referred more particularly to Rhode Island. We have already had occasion to observe that there was really no essential interference in New England after this date, either by parliament or by Cromwell, during the years intervening the suspension and the restoration of the royal power in the mother country. This

Roger Wil- ordinance itself shows that the Lords and Commons
 liams nego- had no idea at this time of the vast continental capaci-
 tiates for a ties and resources of the new world, and that they
 patent, were rather indifferently concerned about its govern-
 1638-43. ment. It is apparent also that any such system of
 colonial administration as was therein devised, if made
 general and persisted in, would have been productive
 only of embarrassment in both countries, while it could
 not promote the more material interests of either. Yet
 it is well to remark that the very condition of things
 in England which favored the adoption of the ordi-
 nance, was also favorable to the independent growth
 of the colonies already established in New England,
 and peculiarly so to the mission of Roger Williams.

Charter of Hence he found no difficulty in obtaining a patent or
 Incorpora- charter for the incorporation of THE PROVIDENCE PLANT-
 tion, issued in- chief and lord high-admiral of all those islands and
 March 14, other plantations inhabited or planted by, or belonging
 1643. to, any of his majesty the king of England's subjects (or
 which hereafter may be inhabited and planted by, or
 belonging to them) within the bounds and upon the
 coasts of America: *and whereas the said lords* have
 thought fit and thereby ordained that Philip, earl of
 Pembroke, &c., (naming the same persons named in the
 ordinance) should be commissioners, to join in aid and
 assistance with the said earl; *and whereas* for the bet-
 ter government and defence, it is thereby ordained, that
 the aforesaid governour and commissioners, or the
 greater number of them, shall have power and author-
 ity, from time to time, to nominate, appoint, and consti-
 tute all such subordinate governours, counsellors, com-
 manders, officers, and agents, as they shall judge to be

Recital of
 the ordi-
 nance to
 the earl of
 Warwick.

Cites pow-
 ers of gov-
 ernor and
 commis-
 sioners.

“WHEREAS, *by an ordinance of the Lords and Com-
 mons*, now assembled in parliament, bearing date the
 second day of November, Anno Domini 1642, Robert,
 earl of Warwick, is constituted and ordained governour-
 in-chief and lord high-admiral of all those islands and
 other plantations inhabited or planted by, or belonging
 to, any of his majesty the king of England's subjects (or
 which hereafter may be inhabited and planted by, or
 belonging to them) within the bounds and upon the
 coasts of America: *and whereas the said lords* have
 thought fit and thereby ordained that Philip, earl of
 Pembroke, &c., (naming the same persons named in the
 ordinance) should be commissioners, to join in aid and
 assistance with the said earl; *and whereas* for the bet-
 ter government and defence, it is thereby ordained, that
 the aforesaid governour and commissioners, or the
 greater number of them, shall have power and author-
 ity, from time to time, to nominate, appoint, and consti-
 tute all such subordinate governours, counsellors, com-
 manders, officers, and agents, as they shall judge to be

best affected, and most fit and serviceable for the said islands and plantations ; and to provide for, order and dispose all things, which they shall, from time to time, find most advantageous for the said plantations, and for the better security of the towns and inhabitants thereof ; to assign, ratify, and confirm, so much of their aforementioned authority and power, and in such manner, and to such persons as they shall judge to be fit, for the better governing and preserving of the said plantations and islands, from open violences and private disturbances and distractions. *“And whereas* there is a tract of land in the continent of America aforesaid called by the name of the Narragansett Bay, bordering northward and north-east on the patent of the Massachusetts ; east and south-east on Plymouth patent ; south on the ocean ; and on the west and north-west by the Indians called Na-hig-gan-ne-uks, alias Narragansetts ; the whole tract extending about twenty-five English miles unto the Pequot river and country :

Patent of
incorpora-
tion issued
March 14,
1643.

Location
and limits
of the
planta-
tion.

“And whereas divers well affected and industrious English inhabitants, of the towns of Providence, Portsmouth, and Newport, in the tract aforesaid, have adventured to make a nearer neighborhood and society with the great body of the Narragansetts, which may in time by the blessing of God upon their endeavors, lay a sure foundation of happiness to all America ; and have also purchased, and are purchasing of and amongst the said natives, some other places, which may be convenient both for plantation, and also for building of ships, supply of pipe staves, and other merchandize ;

Induce-
ments to
the patent.

“And whereas the said English have represented their desire to the said earl, and commissioners, to have their hopeful beginnings approved and confirmed, by granting unto them a free charter of civil incorporation and government ; that they may order and govern their plantation in such a manner as to maintain justice and peace, both among themselves, and towards all men

The appli-
cation
cited.

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NEW ENGLAND.

Patent of incorporation issued March 14, 1643. with whom they shall have to do. *In due consideration of the said premises*, the said Robert, Earl of Warwick, governor-in-chief, and lord high-admiral of the said plantations, and the greater number of the said commissioners, whose names and seals are hereunder written and subjoined, out of a desire to encourage the good beginnings of the said planters, *do, by the authority of the aforesaid ordinance* of the lords and commons, give, grant and confirm, to the aforesaid inhabitants of the towns of Providence, Portsmouth, and Newport, *a free and absolute* charter of incorporation to be known by the name of THE INCORPORATION OF PROVIDENCE PLANTATIONS IN THE NARRAGANSETT BAY, NEW ENGLAND—together with full power and authority to rule themselves, and such others as shall hereafter inhabit within any part of the said tract of land, by such a form of civil government *as by voluntary consent of all, or the greater part of them*, they shall find most suitable to their estate and condition; and, for that end, to make and ordain such civil laws and constitutions, and to inflict such punishments upon transgressors; and for execution thereof so to place, and displace officers of justice, as they, or the greatest part of them, shall by free consent agree unto.

The grant.

Name of the corporation.

Powers of the corporation.

Proviso.

Reservation of powers to the earl, &c.

“*Provided nevertheless* that the said laws, constitutions and punishments, for the civil government of the said plantations, be conformable to the laws of England, so far as the nature and constitution of the place will admit. *And always reserving* to the said earl and commissioners, and their successors, power and authority so to dispose the general government of that, as it stands in relation to the rest of the plantations in America; as they shall conceive from time to time, most conducing to the general good of the said plantations, the honor of his majesty, and the service of the state. And the said earl, and commissioners, do further authorize, that the aforesaid inhabitants, for the better transacting of their public affairs do make and

use a public seal as the known seal of Providence Colony authorized to have a common seal.

"In testimony whereof, the said Robert, Earl of Warwick, and commissioners, have hereunto set their hands and seals the fourteenth day of March, in the nineteenth year of the reign of our Sovereign lord, king Charles, and in the year of our Lord God, 1643.

ROBERT, WARWICK,
Philip, Pembroke,
Sey and Seal,
P. Wharton,
Arthur Haslering,
Cor. Holland,*

H. Vane,
Sam. Vassel,
John Rolle,
Miles Corbet,
W. Spurstow."

* 1 Hazard's State Papers, 538.

There are principles of liberty embodied in the provisions of this charter, which it is important to observe in connection with what we have elsewhere said of the development of the political elements embraced in the protestantism of the puritans. It makes Rhode Island a corporation independently of the crown. It places the source of all power in the people inhabiting in the colony. It gives them full freedom to choose their own system of government, administration, and laws, to elect their own chief officers and other magistrates by their own free suffrages, and concedes that principle in government which gives absolute control to the will of the majority. In a word, it recognizes fully the idea of a free republican government based on the principle of sovereignty in the people.

A convention composed of the several plantations of Providence, Newport, Portsmouth, and Warwick, convened at Portsmouth in May, 1647, and organized the government of the colony more formally under the provisions of this ordinance, though it was not materially varied from what it had already been. The general powers of the corporation were vested in a president and four assistants, a general recorder, and treasurer. They also constituted a general court for

Organization under the charter from the Earl of Warwick, May, 1647. System of administration.

the administration of justice, with original and appellate jurisdiction. The legislative power was vested in the same magistrates jointly with a court of commissioners, or deputies, consisting of persons chosen by the freemen of the several towns then in existence, two from each. Each township choosing a council of six magistrates for the regulation of its local interests, and for hearing minor controversies. A general court of election to be held annually "upon the first Tuesday after the fifteenth of May, if wind and weather hinder not. The general court of trial immediately to succeed upon dissolving of the said general court, viz., the next day." The voting at the general election to be by ballot, and "as many as may be necessarily detained that they cannot come to the general court of election, that then they shall send their votes sealed up unto the said court, which shall be as effectual as their personal appearance."*

* 1 Bartlett's Col. Records, 149, 150.

After making provision for the general administration of the colonial government, they proceeded to the enactment of certain general declarations, as follows, the orthography being changed, viz.:

Preamble. "*Forasmuch* as we have received from our noble lords and honored governours, and that by virtue of an ordinance of the parliament of England, a free and absolute charter of civil incorporation, &c., *We do jointly agree* to incorporate ourselves, and so to remain a body politic by the authority thereof, and therefore do declare to own ourselves and one another, to be members of the same body, and to have right to the freedom and privileges thereof, by subscribing our names to these words following, viz.:

Mutual Guarantee. "*We, whose names are here underwritten*, do engage ourselves, to the utmost of our estates and strength, to maintain the authority, and to enjoy the liberty, granted to us by our charter, in the extent of it according to the letter, and to maintain each other by the same authority, in this lawful right and liberty.

“*And now*, since our charter gives us power to govern ourselves, and such other as come among us, by such a form of civil government as by the voluntary consent, &c., shall be found most suitable to our estate and condition—*It is agreed by this present assembly thus incorporate*, and by this present act declared, that the form of government established in Providence Plantations is *democratical*; that is to say, a government held by the free and voluntary consent of all, or the greater part of the inhabitants; *And now*, to the end that we may give, each to other, (notwithstanding our different consciences, touching the truth as it is in Jesus, whereof, upon the point we all make mention) as good and hopeful assurance as we are able, touching each man’s peaceable and quiet enjoyment of his lawful right and liberty, we do agree unto, and by the authority above said, enact, establish, and confirm, these orders following:

Organiza-
tion under
the charter
from the
Earl of
Warwick,
1647.

The gov-
ernment
declared
demo-
cratic.

Mutual
toleration.

“TOUCHING LAWS. 1. That no person, in this colony, shall be taken or imprisoned, or be disseized of his lands or liberties, or be exiled, or any otherwayse molested or destroyed, but by the lawful judgment of his peers, or by some known law, and according to the letter of it, ratified and confirmed by the major part of the general assembly lawfully met and orderly managed.

None to be
molested
but by
law.

“2. That no person shall (but at his peril) presume to bear or execute any office, that is not lawfully called to it, and confirmed in it; nor, though he be lawfully called and confirmed, presume to do more or less than those that had power to call him, or did authorize him to do.

Public
officers.

“3. That no assembly shall have power to constitute any laws for the binding of others, or to ordain officers for the execution thereof, but such as are founded upon the charter and rightly derived from the general assembly, lawfully met and orderly managed.

Enactment
of laws.

Compensa-
tion of
public
officers.

“4. That no person be employed in any service for

PART II.

NEW ENGLAND.

Organiza-
tion under
the charter
from the
Earl of
Warwick,
1647.

Punish-
ment for
refusing to
accept
office.

Laws to be
conform-
able to
those of
England.

the public administration of justice and judgment upon offenders, or between man and man, without good encouragement and due satisfaction from the public, either out of the common stock, or out of the stocks of those that have occasioned his service; that so, those that are able to serve may not be unwilling, and those that are able and willing may not be disabled by being overburdened. And then, in case a man be called into office by a lawful assembly, and refuse to bear office, or be called by an officer to assist in the execution of his office, and refuse to assist him, he shall forfeit as much again as his wages would have amounted unto, or be otherwise fined by the judgment of his peers; and to pay his fine or forfeiture, unless the colony or that lawful assembly release him. But in case of eminent danger no man shall refuse.

“And now, forasmuch as our charter gives us power to make such laws, constitutions, penalties, and officers of justice for the execution thereof, as we, or the greater part of us, shall by free consent agree unto; and yet does premise that those laws, constitutions, and penalties so made, shall be conformable to the laws of England, so far as the nature and constitution of our place will admit, to the end that we may show ourselves not only unwilling that our popularity should prove (as some conjecture it will) an anarchy, and so a common tyranny; but willing and exceedingly desirous to preserve every man safe in his person, name, and estate; and to show ourselves, in so doing, to be also under authority; by keeping within the verge and limits prescribed us in our charter, by which we have authority in this respect to act:

“We do agree and by this present act determine to make such laws and constitutions so conformable, &c., or rather to make those laws ours, and better known among us; that is to say, such of them and so far as the nature and constitution of our place will admit.

“TOUCHING THE COMMON LAW.—It being the common right among common men, and is profitable either to direct or correct all, without exception; and it being true, which that great doctor of the gentiles once said, that the law is made or brought to light, not for a righteous man, who is a law unto himself, but for the careless and disobedient in the generall, but more particularly for murderers of fathers and mothers; for manslayers, for whoremongers, and those that defile themselves with mankind; for menstealers, for liars and perjured persons; unto which, upon the point, may be reduced the common law of the realm of England, the end of which is as propounded, to preserve every man safe in his own person, name, and estate: *We do agree* to make, or rather bring such laws to light, for the direction or correction of such lawless persons, and for their memories’ sake to reduce them to these five general laws or heads, viz.:

Organiza-
tion under
the charter
from the
Earl of
Warwick,
1647.

The com-
mon law.

The sub-
jects of
law.

Exposi-
tions of
the com-
mon law.

“1. Under that head of murdering fathers and mothers, being the highest and most unnatural, are comprehended those laws that concern high treason, petty treason, rebellion, misbehavior, and their accessories.

“2. Under the law for manslayers, are comprehended those laws that concern self-murder, murder, homicide, misadventure, casual death, cutting out the tongue or eyes, witchcraft, burglary, robbery, burning of houses, forcible entries, rescues and escape, riots, routs and unlawful assemblies, batteries, assaults and threats, and their accessories.

“3. Under the law for whoremongers, and those that defile themselves with mankind, being the chief of that nature, are comprehended those laws that concern sodomy, buggery, rape, adultery, fornication, and their accessories.

Whore-
mongers
and self-
defilers.

“4. Under the law for men-stealers, being the chief of that nature, are comprehended those laws that concern theft of men, larceny, trespass by men or

Men-steal-
ers.

Organization under the charter from the Earl of Warwick, May, 1647. beasts, fraudulent dealing by deceitful bargain, covenants, conveyances by barratry, conspiracy, champertie, and maintenance, by forging or rasing records, writs, deeds, leases, bills, &c., and by using false weights and measures, and their accessaries.

Liars, &c. "5. Under the law for liars and perjured persons, being the chief of that nature, are comprehended such as concern perjury itself, breach of covenant, slander, false witness-bearing, and their accessaries.

Laws for the poor. "And as necessary concomitants hereof, to prevent murder, theft and perjury, we do jointly agree, in this present assembly, to make or produce such laws as concern provision for the poor so that the impotent shall be maintained and the able employed. And to prevent poverty it is agreed, that such laws be made and produced as concern the ordering of ale-houses and taverns, drunkenness and unlawful games therein; and instead of such to propagate archery, which is both man-like and profitable: And to prevent whoredom and those evils before mentioned, it is agreed, by this present assembly, to constitute and establish some ordinance concerning marriage; probate of wills, and intestates."

Public morals.

The Assembly immediately thereupon proceeded to enact laws under all of these heads, and concluded their enactments in these peculiarly characteristic and comprehensive words—"These are the laws that concern all men, and these are the penalties for the transgression thereof, which, by common consent, are ratified and established throughout this whole colony: And otherwise than thus what is herein forbidden, all men may walk as their consciences persuade them, every one in the name of his God. And let the saints of the Most High walk in this colony without molestation, in the name of Jehovah their God, for ever and ever."*

* See Bartlett's Colonial Records R. I.

Its elements of freedom.

Thus we have in the charter and the organization of the government of the small colony of the Providence

plantations, and emanating from the very wilderness itself, the fullest elucidation of the political elements of freedom embraced in the protestantism of the puritans, which we have yet recorded. It not only recognizes the right of the subject to freedom of conscience, but it also insists that civil and religious liberty are correlative, co-existent, and inseparable elements in the constitution of a just government. There is in it no recognition of the church as a power in the state, nor is the civil administration pledged to give to it any special protection, while a pure protestant christianity is recognized as an essential element of life in the body politic and social. This charter was confirmed to the people of Rhode Island under the Commonwealth, by Cromwell, and the same form of government continued until after the restoration of the monarchy in England.

Organization under the charter from the Earl of Warwick, May, 1647.

The re-establishment of the monarchy under Charles II. was regarded with different feelings in the different American colonies. The people of the southern portion rejoiced on receiving intelligence of his coronation; while the people in most of the New England plantations, and more particularly in the colony of Massachusetts Bay, heard it if not with regret at least with apprehension. Not so much on account of any absence of loyalty to the regal power, as because of the danger it seemed to forebode to their charters and their existing forms of government. The recently dominant administration, whether through leniency or weakness, through necessity or negligence, through ignorance or indifference, had been less mindful of the liberties which its subjects in America had assumed under their charters, than it was feared might consist with the rigid notions of sovereignty which were supposed to be entertained by a prince so recently restored to the possession and enjoyment of his long lost kingly powers and prerogatives. The people of Rhode Island, as well as Connecticut, hailed it as affording them an opportunity to secure their own independent existence, and to pro-

On the restoration under Charles II., 1660.

Upon the restoration of the monarchy under Charles II., 1660.

Relations with the other New England colonies.

* 2. Bartlett's Colonial Records R. I., 129.

Claims of Mass. Bay.

Roger Williams to Mass. Bay, 1655.

* The people of Pawtuxet.

protect themselves against the hostility which they had already experienced from their sister colonies. New Plymouth, Massachusetts Bay, Connecticut and New Haven had entered into a league for their mutual defence and protection from which the Providence plantations were excluded. "This colony never could be acknowledged for a colony till his majesty's charter was published, though in the year 1643, they sent over some into England to procure the king's charter then, but finding that unnatural war begun and the king gone from London, (as we have seen,) they took a charter from the Lords and Commons, which was more than New Haven did pretend to, and more than Connecticut could show, yet these two were admitted by the colonies to their great combination, and Rhode Island was slighted."*

Her patent having been thus procured under a revolutionary administration, was by a strange inconsistency—for all of the New England colonies now held their territory and constitutions by a title more or less revolutionary—regarded as not entitling her to the position or consideration of a regularly organized colony, invested with full corporate and political powers. Massachusetts Bay was continually claiming jurisdiction within her precincts on this pretext, and so earnestly, from time to time, was her persistent and vexatious claim pressed upon them, that on a repetition of it in September, 1655, Roger Williams thus broke out in a letter to the government of that colony:

"Honored Sirs, I cordially profess it before the Most High, that I believe it, if not only they* but ourselves and the whole country were by joint consent, subject to your government it might be a rich mercy: But as things yet are, and since it pleased first the parliament, and then the Lord admiral and committee for foreign plantations; and since the council of state; and lastly the Lord Protector and his council, to continue us as a distinct colony; yea, and since it hath pleased yourselves, by public letters and references to us from your

public courts, to own the authority of his Highness amongst us: Be pleased to consider how unsuitable it is for yourselves (if these families at Pawtuxet plead truth) to be the obstructers of all orderly proceedings amongst us: For I humbly appeal to your own wisdom and experience, how unlikely it is for a people to be compelled to order and common charges, when others in their bosoms are by such (seeming) partiality emptied from both.”*

* 1 Bartlett's Colonial Records R. I., 323.

Connecticut, though in reality possessing no better title to her own jurisdiction, had also at times infringed upon the rights of Rhode Island, and was even now supplicating the crown for a charter conveying a title beyond her own proper territorial precincts. Apprehensive under these circumstances that they might become absorbed in one or the other of these rival governments, the people of Rhode Island determined to make application to Charles II. for a patent which should confirm to them their title to the soil, and invest them with the requisite corporate powers, and political jurisdiction over it. Accordingly, at a session of the general court of commissioners, held at Warwick, on the eighteenth of October, 1660, a commission for that purpose was ordered and executed, as follows, viz:

“To our trusty and well-beloved friend and agent, Mr.

John Clarke, of Rhode Island, physician, now residing in London, or Westminster.

“WHEREAS, WE, *the colony of Providence Plantations in New England*, having a free charter of incorporation given and granted unto us in the name of the king and parliament of England, bearing date Anno Domini one thousand six hundred and forty-three; by virtue of which charter this colony hath been distinguished from the other colonies in New England; and have ever been; and to this time maintained government and order in the same colony by administering judgment and justice according to the rules in our said charter prescribed. *And further, whereas* there have been sundry obstruc-

Commission to negotiate for a charter from the crown, Oct. 18, 1660.

Upon the
restoration
of the mon-
archy.

Commis-
sion to ne-
gotiate for
a charter
from the
crown,
Oct., 1660.

tions emerging, whereby this colony hath been put to trouble and charge for the preservation and keeping inviolate those privileges and immunities to us granted in the aforesaid free charter; which said obstructions arise from the claims and encroachments of neighbours about us, to and upon some parts of the tract of land mentioned in our charter to be within the bounds of this colony.

"These are therefore to declare and make manifest unto all that may have occasion to peruse and consider of these presents, that this present and principal court of this colony, sitting and transacting in the name of his most gracious and royal majesty, Charles the II. by the grace of God, the most mighty and potent king of England, Scotland, France and Ireland, and all the dominions and territories thereunto belonging—do, by these presents, make, ordaine, and constitute; desire, authorize, and appoint, our trusty and well beloved friend, Mr. John Clarke, physician, one of the members of this colony, late inhabitant of Rhode Island in the same colony, and now residing in Westminster, our undoubted agent and attorney; to all lawful intents and purposes, lawfully tending unto the preservation of all and singular the privileges, liberties, boundaries, and immunities of this colony, as according to the true intent and meaning of all contained in our said charter, against all unlawful usurpations, intrusions and claims, of any person or persons, on any pretenses, or by any combination whatsoever: Not doubting but the same gracious hand of Providence, which moved the most potent and royal power aforesaid, to give and grant us the aforesaid free charter, will also still continue to preserve us in our just rights and privileges, by the gracious favor of the power and royal majesty aforesaid; whereunto we acknowledge all humble submission and loyal subjection.

"Given in the twelfth year of the reign of our sovereign lord, Charles the second, king of

England, Scotland, France and Ireland.—At the general court, holden for the colony of Providence plantations at Warwick, the 18th day of October, anno domini 1660, sealed with the seal of the colony.”

This commission, it will be observed, is very carefully drawn, so as not to offend the ear of majesty. It overlooks the interregnum of the commonwealth, although the colonial government had recognized its supremacy, and directed that all transactions in the colony “should be issued out in the name of his highness the lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereto belonging.”*

So also on hearing of the death of Oliver and the succession of Richard Cromwell in 1658, they hastened to make their appeal to him for the preservation of their charter, wherein they say—“*May it please your highness.*” It was inexpressible sorrow to us to receive the tidings of your and the three nations’, and our own and sore loss, in the late departure of your and the nations’ most renowned lord and father. And it was and is as great a joy unto us that it hath pleased God to provide for the three nations and ourselves such a cordial as your highness is, both in respect of your renowned stock, and also of that high worth and hope of which we have heard your highness’ self to be: In whom our humble desires are, that the three nations and ourselves may find a healing of our so great a wound and stroke. Our deepest wishes and humble desires unto God, the father of lights, are, for a double portion of your blessed father’s spirit to be poured down into your highness’ noble breast, and instead of an earthly crown, (which his heavenly mind refused) we most earnestly wish your highness and the lords of your most honorable counsel to be crowned with the crown of wisdom and fortitude, prosperity and success, obedience and love of the nations.”*

Upon the restoration of the monarchy under Charles II.

Policy of the General Court; their allegiance to the commonwealth, 1654.

Their allegiance to Richard Cromwell, May, 1659.

* 1 Bartlett's Colonial Rec. R. I.,

Their allegiance to parliament, August, 1659.

And in October, 1659.

* 1 Bartlett, 421-423.

Policy of the general court of the colony.

Its action on receiving intelligence of the restoration, Oct. 18, 1660.

Charles II. proclaimed king at Warwick.

And still farther, even so late as the sitting of the general court of the colony in August, after the abdication of Richard Cromwell, they recognized the existence and the authority of "the high court of parliament" and "the right honorable council of state in England." And subsequently, having been informed by "letters from Mr. Clarke out of England, that the present government thereof is by the old parliament, as it was six years since without a single person or house of peers," they hasten to declare—"It is ordered by this present court that all warrants and summons shall be issued forth in the name of the supreme authority of the commonwealth of England; and that all writs and warrants formerly issued out, or bond taken, in the name of the lord protector, shall be in force until those actions be issued and accomplished."*

Mr. John Clarke was the watchful and efficient agent of the colony, in London, at each of these dates, and it is evident that both he and the ruling men of Rhode Island were skillful diplomatists; and they knew well how to suit the action to the word and the word to the action, whenever occasion or interest required. The negotiations for a charter from Charles II. are alike creditable to the intellectual and diplomatic abilities of their agent, however they may be regarded in respect of their historical verity.

The crown, it will be remembered, was restored to Charles II. in June, 1660. The intelligence was immediately communicated by Mr. Clarke to the general court, enclosing a copy of the king's letter to the parliament, and his declaration and proclamation on ascending the throne. Copies of these documents were received in Rhode Island, and opened and read at the October session of the court in the same year; where-

upon—"It is ordered that his royal majesty, king Charles the Second, king of England, Scotland, France, and Ireland, with all the dominions and territories thereunto belonging, shall be proclaimed to-morrow morning at eight of the clock, in presence of this pres-

ent court; and that the officers of the traine band of this town do rally the company or traine band of this town together to solemnize the proclamation. *It is ordered* that all writs, warrants, with all other public transactions, shall be from henceforth issued forth and held in his royal majesty's name; and that all bonds formerly taken, shall continue in force till issued.

"*It is ordered* that on the next Wednesday, which will be on the 21st of this instant month, each town in this colony shall then, at the head of the company of each traine band, solemnize the proclamation of his royal majesty; and that the captain of each town is hereby authorized and required to call the traine bands together to solemnize the said proclamation on the aforesaid day, if the weather do permit; if not, it is to be done on the next fair day, and that all the children and servants have their liberty for that day."*

Charles II.
to be pro-
claimed
King
through-
out the
colony.

* 1 Bart-
lett, 432.

It was immediately following these orders of the general court, that a committee was appointed for the purpose, and on the same day reported the commission to Mr. Clarke which I have already transcribed. This commission, subscribed by the general recorder with the seal of the company annexed, was enclosed, with copies of the foregoing orders of the general court, "in a letter to Mr. Clarke, in answer to his letter," and at once transmitted to England. On receipt of these documents, he proceeded without delay to the discharge of his important trust, by addressing his majesty as follows:

The com-
mission to
Mr. Clarke.

See page
341.

"Petition of John Clarke, Agent of the Colony of Rhode Island, to the King.

"To Charles the second: By the wonderful, provident, and gracious disposing hand of the Most High, of England, Ireland, and Scotland, with the large dominions and territories thereunto belonging:

The first
petition for
a charter,
1660.

"High and Mighty King; *The humble petition* and representation of John Clarke, on the behalf of the purchasers and free inhabitants of Rhode Island, and

First petition to Charles II. for a charter, 1660. Causes of their removal to America.

Cause of their removal from Massachusetts Bay.

Their removal to Narragansett Bay.

Their reception by the natives.

of the colony of Providence plantations in the Narragansett Bay, in New England, *most humbly sheweth*, that your petitioners were necessitated long since, for cause of conscience with respect to the worship and service of God, to take up a resolution to quit their dear and native country, and all their near and precious relations and enjoyments therein, and to expose themselves and their families to all the hazards and inconveniences, which they might meet with upon the vast and swelling ocean over which they should pass, or in the barbarous and howling wilderness to which they might come. That being thus resolved, they were by the greatly obliging clemency of your royal father, not only permitted to prosecute this resolution of theirs, but by singular favours and privileges bestowed upon them encouraged therein. That your petitioners being thus resolved and encouraged, after a long encounter with many perils of sea and robbers, were by the good hand of the Lord safely conducted unto, and caused to arrive in those parts of America, where, *for the afore-said causes of conscience*, and for peace sake, they were also necessitated to travail further among the barbarians in places untrod, and with no small hazard to seek out a place of habitation, where, according to what was propounded in your petitioners' first adventure, they might with freedom of conscience worship the Lord their God, as they were persuaded."

"That being in this wandering posture, in this vast and desolate wilderness, they were by the provident hand of the Most High, guided to steer their course into the thickest of the most potent princes and people of all that country; where, by his wonderful working power upon their hearts, as a signal token that the hearts of princes and people are in his hands to dispose of as he pleases, your petitioners found them free to admiration, not only to part with the choicest parts of their territories, being no ways inferior for commodious harbours in all respects unto any parts of that country,

but also to quit their native, ancient, and very advantageous stations and dwellings thereon to make room for them.

First petition to Charles II. for a charter, 1660.

“*That your petitioners* having thus, by the good hand of the Lord, and countenance of their prince, gone forth, found out, purchased, possessed and planted those parts of the world in all desirable freedom and liberty in all respects, both among themselves in giving to all (in point of freedom of conscience) what they desired for themselves from all others, whether English or Indians, found themselves necessitated, at least, for some time, for the preservation and accommodation for themselves and their families, to forbear to make application unto the sovereign power to which they adhered, and in lieu thereof and grace to enter into an actual agreement among themselves; and as the true natives of England, (though so remote) and the loyal subjects thereof, for the present to regulate themselves by the laws of that nation, so far forth as the nature and constitution of the place and the professed cause of their conscience would permit.”

Freedom of their plantation.

“*That your petitioners*, as a further manifestation of their willing dependence upon and loyalty to the sovereign power of these nations, did about the year ’42, with one consent, make their addresses by their agent unto your royal father, for his further and more particular countenance and encouragement therein; upon which address in the year ’43, there was granted unto your petitioners, from the commissioners empowered from both houses of parliament for the general management of foreign plantations, a free and absolute charter of civil incorporation, whereby they were empowered to choose their own officers, and to make their own laws, only with this limitation, that they should be so near the laws of England as the nature and the constitution of the place would admit. *That your petitioners*, having received the charter, forthwith grounded their government thereupon, and with excessive travail

Application for the former charter.

The charter from the earl of Warwick.

First petition to Charles II. for a charter, 1660. and charge compiled a brief body of laws for the maintaining of civil society, and for the administration of judgment and justice amongst themselves; being drawn from and founded upon the laws of England, so near as the nature and constitution of the place *with the premised cause and state of their conscience*, would permit; and ordered that all writs, both original and judicial, should proceed in his majesty's name as the rest of the corporations in England were wont to do.

Demonstrations of allegiance to his majesty.

"*That your petitioners*, upon the first intelligence of the wonderful working hand of the Most High, in making way to administration for your majesty's return unto your royal throne, did forthwith call a general court, and therein as a testimony of our ready and joyful reception of you, and of your petitioners faithful allegiance and loyalty to you, did order, of your petitioners own accord, and with joint consent, that your majesty should be forthwith proclaimed with as much solemnity as they could, in all the towns of that country. That all judicial proceedings and acts of power should issue forth in your royal name, and that a commission and letter of credence should be sent unto your unworthy petitioners, in order to make their humble address unto your majesty.

"*Wherefore*, O king! seeing it hath pleased the Most Holy Majesty on High, the King of kings, to remember you in your low and exiled state, with such wonderful and obliging favor, whereby as it were without hands, you have been restored to and clothed with more excellent majesty, and more absolute sovereign power, than your ancestors have attained unto, and seeing the state of the case with your poor petitioners is really such as hath been presented, *we are humbly bold* to congratulate your majesty in this our address, humbly prostrating

Proffert of title from the Indians and the earl of Warwick.

ing ourselves with our purchase and charter, being the titles we have to our land and government, at your majesty's feet, humbly craving we may find such grace in your sight, whereby under the wing of your royal

protection, we may not only be sheltered, but caused to flourish in our civil and religious concernment in these remote parts of the world. So shall your servants take themselves greatly obliged—while they are quietly permitted with freedom of conscience to worship the Lord their God, as they are persuaded—to pray for the life of the king, even that he may live forever and ever, and to make it their study which way they may best approve themselves, your royal majesty's most humble, faithful and obedient subjects.

Second petition to Charles II. for a charter, 1660.

* 1 Bartlett's Col. Rec., R. I., 485.

JOHN CLARKE.*

“Second Address from Rhode Island to king Charles the Second, for a Charter.

“To Charles the Second; by the wonderful, provident, and gracious disposing of the Most High, of England, Scotland and Ireland, with the large dominions and territories thereto belonging:

“High and mighty king: The humble petition and representation of John Clarke on the behalf and in the name of the purchasers and free inhabitants of Rhode Island, and of the rest of the colony of Providence plantations, in the Narragansetts Bay, in New England: most humbly sheweth, that forasmuch as the state of the case with your poor petitioners is really such as hath been presented unto your majesty in their former humble address, being hereunto annexed: As also to the case and manner of their first going forth from old England to new, and of their remove from the place where first they landed unto the place where now they are pitched.

Reference to the first petition.

“As to the wonderful passages of the providence of the Most High (from whence the plantations have taken their name) in guiding them thither and in making room for them there, whereby they have purchased, possessed, and planted these parts of the world in all desirable freedom and liberty, in all respects, both among themselves and from all others, whether Eng-

Derivation of the name, and planting of the colony.

Second pe-lish or Indians ; as to their humble address unto your
 tion to royal father for his further and more particular coun-
 Charles II. tenance and encouragement of them in these their so
 for a char-ter. happy and so successful beginnings. As to their ob-
 taining a charter of civil incorporation the grounding
 of their government thereupon, and causing all the
 visible acts of power to issue forth in his majesty's
 name :

“*And lastly*, as to their manner of the entertaining
 the first intelligence they had of your majesty's return
 to your royal throne, in causing a general court to be
 forthwith called, and therein as a testimony of their
 ready and joyful reception of you, and of their faithful
 allegiance and loyalty to you, in that they did order of
 their own accord and with joint consent, that your
 majesty should be forthwith proclaimed with as much
 solemnity as they could in all the towns of their colony ;
 and that all judicial proceedings and acts of power
 should issue forth in your royal name.

“*Wherefore your petitioners humbly pray* your maj-
 esty's favorable aspect towards them, who have still in
 their remove and in the rest of their actings, made it
 manifest that they, as the true natives of England, have
 firmly adhered in their allegiance and loyalty to the
 sovereignty thereof, although by strangers by many
 fair proffers again and again allured therefrom, and
 have it much on their hearts (if they may be permitted)
 to hold forth a lively experiment, that a flourishing
 civil state may stand, yea, and best be maintained, and
 that among English spirits, with a full liberty in
 religious concernments, and that true piety rightly
 grounded upon gospel principles, will give the best and
 greatest security to true sovereignty, and will lay in
 the hearts of men the strongest obligations to true loy-
 alty ; *to which end* we are humbly bold, royal sire, to
 present to your majesty this our first and second ad-
 dress, and therewith humbly prostrate ourselves, your
 royal highness' subjects, with our purchase and our

Touching
 their loyal
 reception
 of his res-
 toration.

Affirma-
 tion of un-
 bending
 allegiance.

Religious
 liberty the
 security of
 all govern-
 ment.

government, at your majesty's feet; hopefully craving we may find such grace in your sight, as to receive from your majesty a more absolute, ample, and free charter of civil incorporation, whereby under the wing of your royal protection, we may not only be sheltered, but (having the blessing of the Most High superadded as from former experience we have good grounds to expect) may be caused to flourish in our civil and religious concernments in these remote parts of the world; so shall your servants take themselves greatly obliged—while they are quietly permitted with freedom of conscience to worship the Lord their God as they are persuaded—to pray for the life of the king, even that he may live forever and ever, and to make it their study which way they may best approve themselves.

Character
of the
charter
prayed for.

“Your Royal Majesty's most humble, faithful, and obedient subjects.

JOHN CLARKE.”*

* 1 Bartlett's Col. Rec., R. I., 489.

At what date precisely these petitions were drawn, how great an interval elapsed between them, or what were the particular causes of delay or uncertainty which attended this negotiation for a charter from the crown, we have no means of ascertaining. The colonial records are silent on the subject. But the petitions themselves are important as showing the character of the people who planted the colony, the principles which they advocated, and the nature of the experiment they had undertaken in this far off land, in the midst of the fiercest and most powerful of its native Indian tribes. An experiment the grandest and most interesting of any that had as yet been attempted in any age or country, or even hitherto in New England. An experiment which should demonstrate to the world “that a flourishing civil state may stand, yea and best be maintained, with a full liberty in religious concernments; and that true piety rightly grounded on gospel principles, will give the best and greatest security to true sovereignty,

The petitions.

The experiment in Rhode Island.

Reception of a charter from King Charles II., Nov., 1663. and will lay in the hearts of men the strongest obligations to truer loyalty" to the governing power.

The earliest intimation we have of the result of this negotiation, is contained in the record of the sitting of the general court, at Newport, November twenty-fourth, 1663, at which time, we are informed,

"It was ordered and voted, *nem contra dicente*,

"VOTED 1. That Mr. John Clarke, the colony agent's letter to the president, assistants and freemen of the colony, be opened and read, which accordingly was done with good delivery and attention.

The charter displayed and read before the people. "VOTED 2. That the box in which the king's gracious letters were enclosed be opened, and the letters with the broad seal thereto affixed be taken forth and read by captain George Baxter in the audience and view of all the people, which was accordingly done; and the said letters with his majesty's royal stamp and the broad seal, with much becoming gravity, held up on high and presented to the perfect view of the people, and then returned into the box and locked up by the governor, in order to the safe keeping of it.

Thanks to the king. "VOTED 3. That the most humble thanks of this colony unto our gracious sovereign lord, king Charles the second, of England, for the high and inestimable, yea incomparable grace and favor unto the colony in giving those his gracious letters pattent unto us; may be returned by the governor and deputy governor on the behalf of the whole colony."

The free charter of Charles II., 1663. This charter incorporated the colony as *The Governor and Company of the English Colonies of Providence and Rhode Island Plantations in New England in America*. It was in substance and reality a re-affirmance of the grant from the Earl of Warwick, with a more accurate designation of its precincts. It placed the colony on an equal footing with the other colonies, allayed all animosities, and led to the establishment of a fraternal intercourse between them. Under it the executive power was vested in a president or gov-

The government under it.

ernor, deputy governor, and ten assistants elected by the freemen of the plantation. The legislative authority consisted of the chief magistrates, the ten assistants, and delegates chosen from the several towns. Newport was entitled to send six delegates, and the towns of Providence, Portsmouth, and Warwick, four each; and all other towns two each. The governor or deputy governor, with six assistants, constituted a quorum for the transaction of executive business. The general assembly was vested with full power, to enact laws, admit freemen, choose public officers, establish courts of justice, punish offences, and generally to do whatever was necessary for the common defence and general welfare of the inhabitants of the colony.

The most remarkable feature in this charter, and that which distinguished it from those of the other colonies, was, *unqualified religious toleration*. It provided "that no person within the colony at any time hereafter shall be in any way molested, punished, or destroyed, disquieted, or called in question, for any difference of opinion in matters of religion, and do not disturb the peace of the colony."* Under the free charter of Charles II. Religious liberty secured by charter from the crown. * 2 Bartlett's Col. Rec. R. I., 37.

This was the first royal charter which recognized and protected the right of religious liberty; and it may at first seem strange that it should have emanated from such a monarch as Charles II., and at such a time in the history of the mother country. The principle for which so many trials had been endured, for which so many sacrifices had been made, so many lives periled, and so much blood poured out, was at length fully guaranteed under the royal seal. We will not boast of it as a New England, but are content and rejoice to say it was an *American* achievement. It was the proudest triumph yet recorded for the advocates of human liberty. It illustrates the progress of human improvement, and magnifies while it demonstrates the power and the liberalizing and conservative influences, of the essential

The protestant elements developed by the charter.

Under the
free char-
ter of
Charles II. elements of freedom inherent in a true Protestant Christianity.

Hence there may well linger in the minds of the curious and the inquisitive a degree of surprise that a charter so liberal should have received the sanction of Charles II. Among the variety of speculations on the subject put forth by different historians, I have found none which satisfy the enquiry. The charter of the colony of Connecticut, procured by the younger Winthrop from the same monarch, though not so liberal in its provisions as this to Rhode Island, gave rise to similar speculations. But they are made in forgetfulness, or disregard, of the progress of free principles as developed both in England and America during the suspension of the regal authority. The idea of supremacy in the sovereign, if not wholly annihilated by the execution of Charles I., became at any rate afterwards so essentially modified throughout Great Britain that it could not again command the same unquestioned allegiance it had formerly done. Besides, whatever feeling of dissatisfaction might endanger the stability of the throne, in the person of the restored prince, was well disposed of by turning it to the outlet opened in America. Not only so, but the experiment had already been tried in New England, and the success of it proved in Rhode Island, that freedom of opinion, and freedom of conscience, and freedom of worship, could well consist with loyalty to the civil power in the state. It is evident that these liberal sentiments had so infused themselves into the minds of all classes of men, both in the church and the state, that the sovereign could not with safety to his crown refuse to recognize their distinctive existence and practical operation.

English
impressions
of
America
before the
restoration.

Again, it is evident that until after the restoration of Charles II. the full extent, value, and importance of her possessions in America was not at all known, or even suspected, in England. The rapid and vigorous growth of the colonies of New England and Virginia,

their intercolonial trade, the vast resources of the country, did not begin to be effectively enquired after until the increasing commerce opened between the two countries disclosed the boundless benefits and inexhaustible wealth which might accrue to the parent state from its fuller settlement and occupancy.

Under the
free charter of
Charles II.

See Part I.

Such undoubtedly were the considerations which moved the crown, and prompted the policy under which these charters were obtained. Charles II. had not been an idle or indifferent observer of the scenes which were enacting in England during the intervening years of his exile from the throne. The mistaken fiat of the father interdicting emigration, and thereby confining within the limits of his own kingdom the seeds of that revolution which swept him from the sovereignty, was a voice of warning to the son which he dared not defy or disregard. Under these fortuitous circumstances it was that the ruling men in the colonies ventured to draft their own charters, which needed only the autograph of the prince "with the broad seal annexed" to give them absolute efficiency, and which was obtained without any particular inspection of their provisions by the crown. The most that the sovereign cared or concerned himself to know was, that it was essential to people his extensive domain in the new world in order to render it a source of revenue to his exchequer, that allegiance to his sovereignty was secured, and that the settlers were "to imitate and follow as near as may be the often refined and wholesome laws of England." Rhode Island was more indebted to Roger Williams for the free provisions of her charter than she was to Charles II.

The mode
in which
charters
were made.

How re-
garded by
the crown.

But to the colonies themselves the most material value of their charters, or patents, consisted in the fact that they were a conveyance of the soil, a guarantee of their rights as Englishmen, of their title to the lands they occupied, and also defined their jurisdictional precincts. They have hardly ever been of

The true
value of
colonial
charters.

Under the free charter of Charles II. any particular service to them in any other regard. All their peculiar forms of government or administration, all their judicial establishments, all their institutions of commerce, of religion, of learning, of philanthropy, and of charity, were of their own creation. The existence of these, and their practical operation and benefits, were as well and firmly established as if no charter had ever been issued. Their chief aim, indeed, was the security and protection of such their rights, but their anxieties were more severely exercised in securing an unquestioned title and jurisdiction in their territorial possessions. This is manifest in their eagerness to procure a patent, or a grant, or a recognition of their distinctive existence, from the supreme power in England under whatever administration, whether of the high court of parliament, the lord protector, or his majesty the king. Hence their seeming readiness to recognize such supremacy, as from time to time one or the other of these parties had the ascendancy in the councils of the mother country. Hence also, the overthrow or repeal of their charters did not necessarily annihilate their governments and institutions of freedom, though it might in effect rob them of their title and jurisdiction of the soil so far as the crown was concerned. But what would even this signify when they were so far separated, so firmly planted, and so well established, that the parent power was too distant and too feeble to wrest from them that which they had grown to consider entirely their own?

Rhode Island continued under this charter down to the time of the American Revolution; and the frame of government and policy of administration originally established under it, are still regarded as the basis of her present constitution and laws.

The charge of persecution made against the colony. But it has been charged against Rhode Island, that she violated the principles of her free charter in the persecution of Quakers and Roman Catholics. I find no warrant for the charge in her records. Her oppo-

sition to them was chiefly directed to those doctrines which, in her own phrase, "tended to the very absolute cutting down and overturning relations and civil government among men, if generally received." In 1658, the governor and council, being requested by the commissioners of the United Colonies of New England, "to remove those quakers that have been received, and for the future prohibit their coming among them," replied—"as concerning these quakers (so called) we have no law among us whereby to punish any for only declaring by words, &c., their minds and understandings concerning the things and ways of God as to salvation and an eternal condition: And we, moreover, find that in those places where these people aforesaid in this colony are most of all suffered to declare themselves freely, and are only opposed by arguments in discourse, that there they least desire to come. And we are informed that they begin to loath this place, for that they are not opposed by the civil authority, but with all patience and meekness are suffered to say over their pretended revelations and admonitions; nor are they likely or able to gain many here to their way: Surely we find that they delight to be persecuted by civil powers; and when they are so, they are like to gain more adherents by the conceit of their patient sufferings, than by consent to their pernicious sayings."*

Voice of
the Gov'r
and Coun-
cil as to the
Quakers,
1658.

* Bartlett's
Colonial
Records.

So also the general assembly of the colony, to whom the request of the general commissioners was submitted by the governor and council, declared in reply, that "Whereas, freedom of different consciences to be protected from inforcements was the principal ground of our charter, both with respect to our humble suit for it, as also the true intent of the honorable and renowned parliament of England in granting of the same unto us; which freedom we still prize *as the greatest happiness that men can possess in this world:* Therefore, we shall, for the preservation of our civil

Voice of
the Colo-
nial As-
sembly.

The charge of persecution made against the colony.

Voice of the Colonial Assembly as to the Quakers.

* Bartlett's Colonial Records.

peace and order, the more seriously take notice that those people and any other that are here, or shall come among us, be impartially required, and to our utmost constrained, to perform all duties requisite towards the maintaining the right of his highness and the government of that most renowned parliament of England, in this colony; which is most happily included under the same dominion, and graciously taken into protection thereof. And in case they, the said quakers, which are here, or who shall arise or come among us, do refuse to subject themselves to all duties aforesaid, as training, watching, and such other engagements as other members of civil societies, for the preservation of the same in justice and peace; then we determine, yea, *and we resolve, to take and make use of* the first opportunity to inform our agent resident in England, that he may humbly present the matter, (as touching the considerations premised, concerning the aforesaid people called quakers,) unto the supreme authority of England, humbly craving their advice and order, how to carry ourselves in any further respect towards these people, so that therewithal there may be no damage or infringement of that chief principle in our charter concerning freedom of consciences—And we also are so much the more encouraged to make our addresses unto the lord protector, his highness and government aforesaid; for that we understand there are or have been many of the aforesaid people suffered to live in England, yea even in the heart of the nation.”*

It is evident that these men understood too well the principles of freedom which they had made the basis of their charter and their government, to infringe its requirements. There could not be a more pointed or comprehensive concession to the Quakers, of the right of freedom and protection in religious matters, than is here set forth; or a more precise and just discrimination between the exercise of that right and the requisitions of the civil authority.

How far their future action on this subject might have been controlled or guided by "the supreme authority in England" to which it was resolved to submit the question in case of need, it is impossible to conjecture. The accession of Charles II. to the throne followed close upon these proceedings, and the new charter with the government established under it, were a surer guarantee of freedom of conscience to all her inhabitants. In a report made by the king's commissioners concerning the New England colonies, soon after the issuing of this charter, it was stated with reference to Rhode Island—"this colony, (*which now admits all religions, even quakers and generalists,*) was begun by such as the Massachusetts Bay would not suffer to live among them, and is generally hated by the other colonies, who endeavored several ways to suppress them."*

Charge of persecution made against the colony.

Voice of the king's commissioners, Dec. 1665.

So much in reference to the Quakers. As to the Roman Catholics, it is very doubtful whether any law was ever enacted restraining the exercise of their religion in the colony. All that the records disclose on this subject is an enactment which provided—"that all men professing christianity, and of competent estates, and of civil conversation, who acknowledge and are obedient to the civil magistrate though of different judgments in religious affairs, (Roman Catholics only excepted) shall be admitted freemen, and shall have liberty to choose and be chosen officers in the colony, both military and civil."*

Treatment of Roman Catholics.

Mr. Bartlett thinks the words in the parenthesis *excepting Roman Catholics*, were interpolated, and argues very justly in favor of this view, that "any such act as that in question was totally at variance with the uniform policy of the colony from the beginning, as well as with the antecedents of Roger Williams and the first settlers of the colony, and their opinions regarding freedom of conscience and religious liberty whenever expressed." And I agree in the opinion; it cannot be reasonably supposed that at a time when they

* 2 Bartlett's Col. Rec. R. I.

Charge of
persecu-
tion made
against the
colony.

were exhibiting so much gratitude that the principle of religious liberty had been incorporated into their charter by the crown; and just when they were placing the topmost stone upon the grand and original fabric of a civil government established upon the principles of universal religious toleration, and which they had labored so hard to maintain, they should pass any law, or sanction any conduct in the magistracy, directly at variance with it all.

But suppose they did? Is nothing to be extenuated by the age in which they lived, the circumstances by which they were surrounded, or the newness of, and the opposition to, the experiment they had undertaken? Is nothing to be excused for errors which may have been committed under the vexations which oppressed them while they were "generally hated by the other colonies, who endeavored several ways to suppress them?" Or is it at all strange that they feared the power of Romanism? They learned this of the mother country. It was a part of the colonial common law incorporated into all their ancient charters from the crown. The whole development of the reformation taught them and mankind this great truth; that as the political elements of Protestantism tended to the utter severance of the church and the state so also the political elements of Romanism tended to the union of both and the subjection of the latter to the supremacy of the former. The essential elements in either were antagonistic to the other, and their moral affinities were such that they could not both subsist together without strife. It was a difficult task at this early period to draw the line between their several and respective political and religious aims and say where, or how, the two could act in harmonious safety: Or so to uphold the power of the civil administration "as not to infringe the great principles of religious liberty secured by their charter."

See the old
charters,
&c., Part
I.

The com-
plicity of
their con-
dition.

But I care not to search for, or to enquire after, any

occasional violations of it upon which to pronounce sentence of condemnation against Rhode Island: Nor can I sympathize with those who revel with a malicious joy over any such transient exhibitions of the weakness or waywardness of her infant life. It is enough to know,—and to the lasting glory and honor of their memories and their names let it be recorded—that the founders of this colony sunk their shaft deep in the quarry of the reformation, and from the confused and heterogeneous mass of its composite elements brought forth that golden ore of free toleration which graced the most polished corner in the great temple of freedom reared in New England. Call their errors the acts of sectaries or enthusiasts, of heretics or bigots, if you will; they were nevertheless, but traces of the ingrained shackles of the human mind emerging from the thralldom in which the ignorance and superstitions of past ages had so long bound it, and endeavoring to assert its individual sovereignty and independence in the domain of thought and conscience; thus clearing the way for a far brighter day of liberty, religion, and justice.

Such was the origin, and such as I have successively traced them, were the general governmental features of the principal colonies embraced in the early history of New England. Causes mostly of a similar character led to a still further dispersion and extension of their settlements over the face of the country. New sects and new leaders springing up from time to time among them, and finding their opinions but little respected, went out and planted new townships. In the early history of the colony of Connecticut, as also of Massachusetts Bay, several towns were planted by adventurers who attempted to establish their civil government on as independent a basis as the religious organizations of their settlement, claiming that each town should be as distinct and independent of every other and of the colony, as each church or congregation was of any sister association. These tenets, however, had but a tem-

Further
character-
istic devel-
opments in
the exten-
sion of her
settle-
ments.

Triumph of protestantism in the revolution of 1688-90. porary existence, though in course they contributed their share to the peculiar characteristics of the general colonial administration. Thousands also from the mother country continued daily to throng the New England coast, and to pour into her unoccupied territories; so that at the time of the revolution in England she contained more than one hundred and fifty towns, about sixty churches, and upwards of fifty thousand inhabitants.* That revolution, which terminated in the elevation of William and Mary to the throne, formed an important era in the governmental annals of the colonies in America as well as those of the mother country. It was the grand triumph of the political elements of Protestantism which made the law the dispenser of the crown, and the will of the people the source of its sovereignty and stability. The liberal theory of the protestant succession, which it grafted into the British constitution, became the guarantee of a more liberal and less changeful colonial policy. Under it the capacities and resources of this new world were more rapidly developed, while the crown and the nation year by year thought more proudly of its possessions in America.

* Winter-botham.

Change in the British constitution, and colonial policy.

Relations of the colonies from this period.

See PART IV.

From this period to the time of our own revolution the progress of New England was one of rapid and unrivaled prosperity. Though scattered widely over her extended territory, and under different jurisdictions, the inhabitants of the different colonies yet cultivated a fraternity of feeling and interchange of trade with each other. Whatever might be their religious differences they yet intermingled, and on occasion banded together for their mutual protection and safety. In these necessary associations, and occasional confederacies, with each other and with other colonies, they learned how one general and harmonious union might consist with a variety of local interest, or opinion, or religious faith, or even sectional rivalry. They also learned, and grew in the conviction, that freedom of opinion, freedom of conscience, and freedom of worship, were

essential elements of liberty, and not incompatible with freedom or sovereignty in the state. That the machinery of government, however extended or complicated, could be successfully and effectively operated, no matter how widely its subjects might differ in judgment or opinion on questions of church or state policy. By this experience, too, running through an entire century, the colonies of both North and South Virginia learned those lessons of concession and conciliation which prepared them for that future era of a greater and more permanent confederacy.

Here I close the history of North Virginia or New England, the second grand division of the continent made by James I., which I have made the second part of this work. It cannot be that we have gone over it without interest or instruction. We have seen a wild, inhospitable, cheerless, and lonely shore, converted into a cheerful, inviting, and fruitful garden of freedom. We have seen the wilderness bud and blossom as the rose, and the desert and the solitary place made glad with the voices of industry, civilization, and religion. We have seen the pure principles of civil and religious liberty thrown out from among the discordant elements of political and ecclesiastical tyranny and usurpation, without a home or a resting place, defended only by the poor, the illiterate, the despised, and the persecuted, acquiring strength and energy in the darkest hour of their peril, until they awaken the interest and the regard of the opulent, the honorable, the powerful and the mighty among men. We have seen how the bonds of social fraternity, and political union are originated, and how their spirit is formed in its infant state. We have seen small communities of men planting themselves and their feeble families on the edge of an unexplored continent; we have seen these communities reared and transformed into larger corporate bodies; and have also remarked how, as they grew, the operative principles of republicanism and the political ele

Conclusion
of Part II.

General
remarks.

ments of protestantism, have respectively developed themselves. While at the same time we have discovered by what a singular and peculiar instrumentality, and influenced by what causes, the characteristic qualities of this portion of our country have been originally acquired and successively delineated. The survey should awaken the ardor and quicken the energy of our devotion to institutions so wisely framed, and with so much toil, so much sacrifice, so much care, and so much blood consecrated by our forefathers. It should teach us to appreciate more fully, and to prize more highly, the noble heritage they have transmitted to us. Above all, it should rekindle our vigilance, and excite in us a lively jealousy of all, of any dogmas or systems, whether political or religious, which tend, either in theory or in thought, to undermine the foundations which they have laid.

END OF PART II.

PART III.

GOVERNMENTAL HISTORY OF THE ANGLO-AMERICAN COLONIES FROM THE ACCESSION OF WILLIAM AND MARY, TO THE DECLARATION OF THEIR INDEPENDENCE.

IN the foregoing parts of this work I have traced the governmental history of British America in its two early and grand divisions, until we have seen its settlements assume the rank and consideration of regularly organized political bodies, each under its separate and peculiar policy of government and forms of administration, as established at the time of the accession of William and Mary to the throne. I propose in this part to continue the subject in their smaller colonial divisions, from this time to the time of our revolution. This survey will include a view of the causes which led to that event, and to the declaration of their independence; which will bring me to the fourth and last part of my design, in which I shall treat of their consequent union as sovereign states under the confederation, give an exposition of the defects of those articles, and pursue the subject until its termination in their more perfect, permanent, and happy union, under the present federal constitution.

In reviewing the history of the early settlements made in New England, I have already pointed out the causes which led to the origin of the several colonies embraced in that portion of the continent. Most of the other colonies which existed at the time of our revolution under separate organizations, were originally comprehended within the indefinite limits of the patent granted by James I., to the first colony of Virginia or

Their sub-
division.

the London company, sometimes also called the south Virginia company. On the dissolution of that corporation their lands reverted to the crown, and were subsequently granted under new charters and their precincts limited within more definite boundaries.

NEW YORK

NEW YORK. Was originally settled by emigrants from Holland, who seem to have taken occasion during the apathy of the crown, or while both the crown and parliament were agitated and absorbed by domestic dissensions, to take possession of the country ; which, with the present territory of New Jersey and Long Island, was originally called the New Netherlands.

Expedition of Henry Hudson. The Dutch founded their claim to it on the discoveries made by Henry Hudson, the celebrated navigator, who discovered the river which now bears his name and the countries adjacent, under the auspices of the Dutch East India company. This voyage of Hudson was based upon the theory originally promulgated by Columbus, that a passage to the East Indies could be made by sailing westward, or towards what is now called the Pacific Ocean. It was under the impression that he had discovered an inlet to a passage through the continent of North America to the great ocean beyond, that he anchored off Sandy Hook, passed through the narrows, and sailed up that majestic river. **Discovery of Hudson's river.** He continued his voyage for eleven days, penetrating as far up as the place where the city of Hudson now stands ; meeting with obstructions in this vicinity he terminated his explorations, dropped down the stream, and returned to Europe.

The Dutch East and West India companies. The Dutch East India Company continued to occupy the settlement of New Amsterdam on the island of Manhattan, now New York City, as a trading station, until their occupancy was superseded by, or merged in, that of the Dutch West India company, which was organized in the year 1621. This company had the

exclusive privilege, granted to them by the States General of Holland, to trade and plant colonies on any part of the American coast, from the straits of Magellan to the extreme north.*

NEW
YORK.

* Wilson's
U. S.

The directors of the company, as patrons or patroons, took possession of large tracts of land upon the Hudson river, and also planted their trading stations upon the Connecticut and the Delaware: In fact, under the very liberal grant contained in their charter the territory of the New Netherlands seemed to extend indefinitely in all directions.† In the almost interminable strifes which arose between the Dutch and the English settlers by the extension of its claims into the limits of New England, of Maryland, and even of Virginia; the company, and its agents and governors, came to be exceedingly unpopular in America. But the more enterprising spirit of the English at length retaliated upon the Dutch, and the energy of the Saxon drove back the stubborn aggressions of the Hollander.

Operations
of the
Dutch
West In-
dia Com-
pany.

The planters of New England and Virginia had always disputed the title of the Dutch, and their right to make any settlement had never been admitted by Great Britain. She insisted on a priority of title founded upon the discoveries which were made by Cabot, under Henry VII. It will be remembered that under his patronage Cabot had explored the coast of North America, from Labrador to the southern boundary of Virginia; and we have already noticed the circumstances which induced a suspension of the claim at that early period. The supremacy of the pope, however, having terminated in England, priority of discovery came to be considered as establishing a good title

Title of
the Dutch.

See ante,
PART I.

† This company failed in the year 1634, and from a statement of their accounts, drawn up in the following year, it appears that Fort Amsterdam in New Netherlands cost the company 4,172 guilders, 10 stuyvers; and that New Netherland (the province) cost 412,800 guilders and 11 stuyvers. See 1 Hazard's state papers, 397.

PART III.

THE THIRTEEN COLONIES.

NEW
YORK.Patent of
Charles II.
to the
Duke of
York,
1664.Precincts
and pow-
ers.

* Story.

Reduction
of the
Dutch set-
tlers, 1674.Second
charter to
the Duke
of York.

to the country, and the right thereby acquired was recognized as paramount in the intercourse of nations: Accordingly, soon after his restoration, Charles II., without regard to the claims of the Dutch, granted by patent to his brother James, then the Duke of York and Albany, "all that region of country extending from the western bank of the Connecticut river to the eastern shore of the Delaware, together with the Island of Long Island." The Duke was at the same time thereby invested with all the powers of government, both civil and military, with authority to correct, punish, pardon, govern and rule, according to such laws as he saw fit to establish, all subjects who should inhabit in the territory; and also to exercise martial law in case of rebellion, insurrection, seditious meeting, or invasion, "*provided always* that the said laws were not contrary to, but as near as might be agreeable with, the laws of England," reserving in the crown a right to hear and determine all appeals.*

The Dutch were in possession, under Governor Stuyvesant, when this charter was published; but no infringement of their rights as freemen was permitted, and they were required to be treated rather as subjects than as enemies or aggressors. They, however, were not disposed to yield quietly to the domination of the English, and several times struggled for the mastery of the soil. They were finally reduced to submission in the year 1674, when the Duke of York, in order to put at rest all questions which might arise as to the validity of the original grant, applied for and obtained a new patent from the crown, under which the whole province, as well as the capital, received the name of New York. This grant conferred the same powers which were enumerated in the former patent, with the further provision that no trade should be carried on with the colony without permission of the Duke; while the colonists were permitted to import merchandize upon paying duties according to the laws of England.

Sir Edmond Andros, who was also made governor-general of New England after the Duke succeeded to the throne, was now appointed to the office of governor of New York. It was upon the provisions of this grant that Sir Edmond based his claim to the jurisdiction upon the Connecticut river, when he advanced upon Saybrook in 1675. His administration under his commission was arbitrary and oppressive, and was untrammelled by the intervention of any representative assembly of the people. He returned to England in 1682, and was succeeded in the office of governor of New York, by Colonel Thomas Dongan, who had been instructed by the duke to call a representative assembly of the people. This assembly, with the consent of the new governor, enacted a Charter of Liberties which declared—"that the supreme legislative power should forever reside in the governour, council, and people, in general assembly convened—that every freeholder and freeman might vote for representatives without restraint—that no freeman should suffer but by judgment of his peers, and that all trials should be by a jury of twelve men—that no tax should be assessed, on any pretence whatever, but by the consent of the assembly—that no seaman or soldier should be quartered on the inhabitants against their will—that no martial law should exist—and that no person professing faith in God, by Jesus Christ, should at any time be in any way disquieted or questioned for any difference of opinion in matters of religion."*

NEW YORK.
Sir Edmond Andros governor.

Col. Dongan governor,
1683.

Declaration of gov't under the charter of liberties,
1682.

Protestant freedom established.

This Charter of Liberties continued to be the basis of the government after the duke of York succeeded to the title of James II. The course of legislation and policy of administration, were thereafter more nearly assimilated to that of the parent country, than in any of the colonies.*

* Story, Wilson.

NEW JERSEY.

Long Island and the present territory of New Jersey were both originally comprehended in the provisions of

PART III.

THE THIRTEEN COLONIES.

NEW JERSEY.
Grant by the Duke of York to Lord Berkeley, etc., 1664.

Precincts of the colony.
* Story.

Government of the colony.

Taxes.
Freedom of conscience, &c.

Subject to Sir Edmond Andros, 1685.

* June, 1689.

the grant to the Duke of York. In the same year in which it was made to him, he granted to Lord Berkeley and Sir George Carterett "all the tract adjacent to New England, lying westward of Long Island—bounded on the east by the main sea and partly by Hudson's river, on the west by Delaware bay or river, and extending southward to the main ocean as far as Cape May, at the mouth of Delaware bay, or river, which is forty-one degrees forty minutes lat.; which tract is to be called New Cesarea or New Jersey—together with all political powers, privileges and royalties thereunto appertaining."* It was called New Jersey in honor of Lord Carterett, one of the proprietors, who was governor of the island of Jersey in the English channel. Under the well directed enterprise of these grantees it was soon settled with a flourishing population.

The first constitution of government provided that the executive authority of the colony should reside in a governor and council, and the legislative in a general assembly composed of the governor and council, and representatives chosen by the people. The powers of legislation were full, *provided* the laws and ordinances enacted should "be consonant to reason, and as near as may be conveniently agreeable with the laws and customs of his majesty's realm of England:" Freedom from taxation unless imposed by an act of the colonial assembly, equality of privileges, and freedom of conscience, were guaranteed to all.

On the accession of the Duke of York to the throne, New Jersey became subject to the government of Sir Edmond Andros, together with New York and the New England colonies. After his authority terminated,* it became subject to the executive administration of the governor of New York, though still having its own legislative assembly. In the year 1738 it was made an independent colony under a royal governor.

PENNSYLVANIA.

The earliest settlements in Pennsylvania were made by Swiss, German, and other emigrants, who derived their titles from various sources. They were brought under the administration of the governors of New York, who predicated their authority on the patent given to the duke of York, in 1664. The source whence their power was derived, however, caused it to be regarded as defective, and the governors were looked upon as usurpers. It remained under this fickle jurisdiction until the year 1681, when it was granted by Charles II. to William Penn, a son of Admiral Penn, and a member of the society of Friends, as sole proprietor. The considerations for this grant were, the services rendered by his father, the admiral, to the British nation, and the expressed desire of the grantee "to extend the dominions of the crown, and to reduce the natives, by just and gentle treatment, to the love of civilized society and the christian religion." Under the charter to Penn its boundaries were clearly defined and limited, and the territory embraced in its precincts was formally assigned to him by the duke of York. He acted as governor of the colony until the year 1684, when he went to England, and being involved in the stirring scenes of the English revolution, the proprietorship of the colony was taken from him and given to the governor of New York. It was restored to him again in 1694, and thenceforth remained under the proprietorship of himself, or his heirs, down to the time of our revolution.

PENNSYLVANIA.

Grant to Wm. Penn by Charles II., 1681.

1692.

DELAWARE.

The present state of Delaware, so called after Lord De-La-War, was also originally appended to New York, and was purchased of the duke by William Penn in 1682, when it was united to the province of Pennsylvania, in which year the first general assembly of the

DELAWARE.

colony was held, at Chester. This union was dissolved in the year 1703, from which period down to the time of our revolution, the two territories were under the same executive administration or proprietary, but enacted their laws by separate legislatures of their own choosing.

MARYLAND

MARYLAND. Was the first instance of the division of a colony and

* Marshall. the establishment of another within its territorial limits, which was made directly by the crown.* In the year 1632, Charles I. issued a patent to Sir George Calvert, Lord Baltimore, granting to him and his heirs, "all that region in America bounded by a line drawn from Precincts. Watkin's point in the bay of Chesapeake, to the ocean on the east—thence to that part of the estuary of Delaware on the north, under the fortieth degree, where New England is terminated—thence in a right line, by the said degree, to the meridian of the fountain of the Potomac—thence following its course by the farther bank, to its confluence with the Chesapeake, and thence * Terram Mariæ. to Watkin's point." It was called Mari-land* after Henrietta Maria, the daughter of Henry IV., king of France, and the wife of Charles I.—and was erected into a colony under a frame of government entirely independent of the colony of Virginia.

Design of the pro- prietors to introduce Romanism into America. This charter to Lord Baltimore was evidently a jesu- itical production, and was the basis of the first attempt made to introduce Romanism into the English possessions on the continent of America. Sir George Calvert was an avowed Romanist. He had endeavored to establish a colony of Roman Catholics in New Found- land in 1621; but, failing in that enterprise, he after-

Death of Lord Bal- timore. wards visited Virginia and was very favorably impressed with the country. Being a favorite with the royal family he readily obtained the patent of land above referred to. But he died before the execution of his

Patent to his son. purpose of planting a colony, and the patent was con- firmed to his son and heir, Cecil Calvert, who was equally devoted to the interest of the church of Rome.

The charter was written in the Latin tongue, and those provisions of it which related to matters of religion were couched in language which might well elude the notice of the crown, and at the same time serve to further the designs of the patentee. All that it contained in favor of toleration was the equivocal *proviso* "that no construction be made thereof whereby God's holy and truly christian religion should receive any prejudice or diminution."

The first plantations established under it were composed of and largely patronized by men professing the Roman Catholic faith. But as it grew, there came within its jurisdiction many who had imbibed the more tolerant principles of protestantism, and were decidedly opposed to the political elements of papacy. It was unavoidable that the colony of Maryland should be measurably affected by the principles of freedom which were developing with the progress of the reformation in the mother country, and which were now being evolved with a more practical and conservative energy in America.

The suspension of the monarchy consequent upon the civil war under Charles I. gave to protestantism the ascendancy in the colony, and was for a while productive of a more lenient government as well as more tolerant laws. But the entire abolition of the regal power was too fatal to the prerogatives of supremacy claimed by the Romish church, and sought to be re-established in America, to escape the vigilant energy of Sir Cecil Calvert, now Lord Baltimore, in whom was concentrated all her hopes of supremacy in the new world. The governor, or lieutenant as he was called, and all the members of the colonial council, were bound by oath "to defend and maintain the Roman Catholic religion in the full and free exercise thereof."* Thus it came to pass that, under the protectorate and the commonwealth, an open and decided opposition was made to the charter and the government of Lord Balti-

MARYLAND.

Plantations under the patent to Cecil Calvert.

Conflict with protestantism.

Ascendancy of protestantism in the colony.

Allegiance of the colonial government to Romanism.

* 1 Hazard's State Papers.

MARYLAND. more ; and parliament proceeded to revoke the one and overthrow the other. The record of this conflict is to be found in what was termed "A Breviat of the proceedings of the Lord Baltimore and his officers and compliers in Maryland against the authority of the parliament of the Commonwealth of England, and against his highnesse the Lord Protector's authority, laws, and government," dated in the year 1656, which declares that

The commonwealth revoke the charter.

Reasons for reducing his government, 1656.

That he upholds Romanism.

For the supremacy and papacy of his government.

For the nature of his grants.

"The province of Maryland in that state wherein it stood under Lord Baltimore's government had more need of reducing than any English plantation in America, for these reasons, viz :

"1. The covenant, laws, and platform of government established in England, declare the suppression and extirpation of popery, to which his highnesses oath tends ; but the Lord Baltimore's government declares and swears the upholding and countenancing thereof, both by the officers and people.

"2. The Lord Baltimore exercised an arbitrary and tyrannical government, undertook a princely jurisdiction, stiles himself absolute lord and proprietor, constituted a privy council, most of papists and the rest sworn thereto. This privy council must be the legislative power, that is to put in execution such laws, the laws which the Lord Baltimore himself makes and imposeth, and he makes what laws he pleaseth. The people are indeed called to assemblies, but have neither legislative power, nor of judicature, that being appropriated to the privy council or upper-house, so that what is determined by them admits of no reference or appeal.

"3. The Lord Baltimore's grants of land are made to the end that the grantees might be the better enabled to do him and his heirs all acceptable service, for the terme is *for all service* ; to which they must all swear before they have any grants, without any relation to, or mention of, the supreme authority of England, either in this or anything else that passeth there.

"4. That the Lord Baltimore issued writs and all other process whatsoever in his own name. MARYLAND. For his writs.

"5. Charles Stewart, son of the late king, was in Maryland proclaimed king of England, &c.; against which no act, order, or proclamation, hath been published by the Lord Baltimore or his officers. For proclaiming Charles II.

"6. That there was a notable practice of compliance of the Lord Baltimore and his party, with the late king's party in Virginia, against the parliament and their ships—the said Lord Baltimore having gotten commission from the king at Oxford to seize and take the ships and goods of all such as would not pay the customs there, which the Lord Baltimore was to receive; and undertook to put in execution, but failed thereof through the country's non-compliance. For his complicity with the regal power.

"And that since the reducement of the said province under the obedience of the commonwealth of England, See PART I.

"1. That the Lord Baltimore hath utterly disowned and contradicted the said reducement—terming it rebellion against himself and his government there, scandalizing and abusing the commissioners of the commonwealth of England with the opprobrious names of factious, seditious, malicious, and rebellious persons, that they should stir up the people to sedition and rebellion, and were the abettors thereof. For his abuse of Parliament.

"2. That the Lord Baltimore hath from time to time instigated and animated his officers to oppose and act contrary to the said reducement, as well by force of arms as otherwise, commanding them to apprehend the state's commissioners and their complices as rebels to him, and deal with them accordingly; requiring his officers to proceed in his own way of government, and to carry all in his name as before; notwithstanding anything done by the said commissioners; and to undertake to justify them in such their proceedings, and to bear them out in it. For his resistance to the commonwealth.

"3. The Lord Baltimore in his last letter to Capt. Stone, doth blame him for resigning up his govern- His interference with the surrender of Va.

MARYLAND. ment into the hands of the lord protector and common-
 Reasons of wealth of England, without striking one stroke; tax-
 Parliament ing him with cowardice, that having so many men in
 for redu- arms, he would not oppose; saying, that Bennett and
 cing the gov't of arms, he would not oppose; saying, that Bennett and
 Lord Bal- Claiborne durst as well have been hanged as have op-
 timore, posed him, or to that effect.
 1656.

His abuse
 of the
 Lord Pro-
 tector, &c.

"4. That in the last rebellion against his highnesse
 the lord protector and commonwealth of England, and
 the government established in Maryland by their au-
 thority, the said Lord Baltimore and his officers have
 in high measure abused the name of the lord protector,
 and under that notion have committed many notorious
 robberies and murders against peaceable and loyal sub-
 jects of the commonwealth of England and his high-
 ness the lord protector; and to this end raised men in
 arms, conferring honours upon base and bloody-minded
 people, as well papists as others, and employed them
 in a violent and formidable manner in battle array,
 with Lord Baltimore's colours displayed, to fight
 against the lord protector's government and people,
 yea, to shoot against his highnesses colours, killing the
 ensign-bearer; by which means much blood hath been
 shed, many made widows and fatherless, and great
 damage, danger, and distress, brought upon the whole
 province: the Indians likewise taking occasion and
 advantage hereby to fall upon the frontier plantations,
 have killed two men and taken some prisoners.

Fighting
 against the
 common-
 wealth.

Obtained
 his patent
 by fraud.

"*Before the alteration of the government here in
 England*—The Lord Baltimore obtained a patten from
 the king, for a tract of land in the bay of Chesapiak
 in Virginia, pretending the same to be unplanted; by
 this means takes away the lands from the Virginians,
 to whom the same of right belongs; and not only so,
 but takes away the trade with the nations which they
 had many years enjoyed; and not being able to man-
 age the trade himself, left it to the Swedes and Dutch,
 who furnished the Indians with powder, shot, and guns,
 to the great damage and danger of those plantations,

and his highnesses subjects; and further most unjustly MARYLAND. and cruelly disseized Capt. Claiborne and others of the His disper- island called Kent, though seated and peopled under sion of in- the Virginian government three or four years before habitants of Vir- the king's grant to him; and not the land only, but ginia. the estates and lives too of such as opposed him or his officers, hanging some and killing others who sought the preservation of their rights and interests from popish violence. Such a beginning had that poor unhappy plantation, being founded upon the rights *1 Haz- and labours of other men, and begun in bloodshed, ard's State robbery, and all manner of cruelty."* Papers, 628.

Here we have a graphic picture of the bloody and fearful strife which took place in Maryland under the effort to establish the papal power in America. The abolition of the regal authority in the mother country, as I have elsewhere had occasion to remark, was the result of the freer developement of the elements of political liberty embraced in the protestantism of the puritans. They were utterly antagonistic to the political elements of Romanism, and the record shows how impossible it was for the two to subsist together in harmony. Puritanism opposed royalty not on account of any inherent aversion it had to that form of supreme administration in the government, but because the sovereign claimed to hold his crown, with all its prerogatives of power, by a hereditary succession derived under a divine appointment, independent on and irrespective of the will of the subject. Hence Romanism could not hope to gain or to retain an ascendancy in any of the British possessions, if it warred against the divine right of the king, or favored the idea of sovereignty in the people. Claiming to have in itself the vicegerency of divinity on earth, it must necessarily claim for the crown a title which could be derived from no other or inferior source. This therefore was the political aspect of the contro-

Elements
of antago-
nism be-
tween Ro-
manism
and Pro-
testantism.

PART III.

THE THIRTEEN COLONIES.

MARYLAND. versy ; and it was this, in brief, which enlisted Romanism against Protestantism, and Protestantism against Romanism, both in England and America, and which engendered a fierce civil war between them in Maryland as well as in the mother country.

The conflict in Maryland.

The conflict here was a terrible one, but the fiery ordeal must be passed through before the victory could be complete, and it was well that it should take place in the infancy of their colonial existence. It was another of those experiences in the progress of human freedom, the contemplation of which makes the soul shudder, the heart weep, and the blood to curdle as it courses through the veins. Still it must needs be that it should come, and its issue was the surer triumph of freedom and humanity. Still Protestantism was not fully ascendant in Maryland until after the accession of William and Mary to the throne, when the dogma of the divine right of the king to rule independently of the will of the people, was forever abolished in England, and ceased to be defended or respected in America.

Final ascendancy of Protestantism.

Established as a protestant colony, 1692.

In 1692, Maryland was established as a royal colony under a protestant government, administered by a governor and council appointed under a commission from the crown, with an assembly of representatives chosen by the people. This continued until the year 1715, when the proprietorship of the colony was restored to the heirs of Lord Baltimore, and so continued down to the era of our revolution.*

* See Wilson's U. S.

THE CAROLINAS.

† 1564.

Albemarle county colony.

The territory of the Carolinas, so called originally† in honor of Charles IX. of France, was the place which witnessed Sir Walter Raleigh's early attempts to plant an English colony in America. It was conveyed by Charles II. to lords Clarendon and others, in April, 1663, who planted Albemarle county colony. The constitution at first adopted by the proprietors provided that the powers of government should be vested in a

governor, to be chosen by the proprietors from a council of thirteen persons, who were to be nominated by the planters; and a general assembly composed of the governor and council and the representatives of the people of the several plantations. They were invested with full powers of legislation, subject to the decision of the proprietors. The charter itself secured freedom of religious opinion. Each settler was to receive one hundred acres of land for himself, and fifty for every servant, provided he came into the province within five years from this period. At its first meeting the general assembly enacted that no freeman should be sued, for any cause of action originating out of the colony, within the space of five years, and all persons were prohibited receiving a power of attorney for the purpose of recovering such debts.*

THE CAROLINAS.

Government of.

Freedom of conscience secured.

Inducements to settlers.

* Winterbotham.

The proprietors finding their plantation to grow very tardily, notwithstanding these inducements to settlers, attributed it to the plan of government they had adopted, and the famous philosopher, John Locke, was requested and employed to draft a constitution for the province, which should "make the government of Carolina agree as nearly as possible to the monarchy of which it was a part; and to avoid erecting a numerous democracy."†

Constitution for, by John Locke.

† Wilson's U. S.

Locke's political theories were ill-adapted to the times in which he lived, to the actual condition of man, or to the existing relations of society. His plan of government demonstrated the inability of mere closet speculation to provide for the regulation of communities, or the amelioration of the condition of mankind. It was found in practice to be inadequate to the wants, the feelings, the condition and character of the people, and was at length abandoned, when the older form was substantially re-established.

The Albemarle county colony and Cape Fear settlements were the earliest; these were followed by the Clarendon county colony, the Cartaret county colony and others.

The early colonies.

French
Protest-
ants or
Hugue-
nots.
Charles-
ton.

North and
South
Carolina.

A company of French protestants, refugees from the persecutions of France, came over in the year 1679, and aided in laying the foundation of the present city of Charleston. All of these plantations were eventually brought under one general board of proprietors. In 1729, the patent to Lord Clarendon was surrendered back to the crown, when new patents were issued establishing the colonies of North and South Carolina under separate charters, the governments under which went into full operation in 1732.

GEORGIA.

GEORGIA.

Object of
the adven-
ture.

* Winter-
botham,
Wilson.

Charter
under
George II.

Embarka-
tion of
Gen. Ogle-
thorpe
from Eng-
land, 1732.

Planting of
Savannah.

In June, of the same year, a plan was formed in England, for planting a colony in America, on the territory lying between the rivers Savannah and Altamahaw, adjacent to Carolina. The object of the proprietors was declared to be "to establish an asylum for persecuted protestants of all countries, to strengthen the province of Carolina, and to provide a home for suffering and indigent families in Great Britain and Ireland, in a country where poverty would be no reproach."*

General James Oglethorpe, then a prominent member of parliament, was the originator of this movement. He obtained a charter of incorporation from George II., which conferred the usual powers of corporations in England. It placed the management of the colony in the proprietors of the company and a council of sixteen persons, to be first nominated by the crown and afterwards chosen by the proprietors. General Oglethorpe himself headed the adventure, and embarked with one hundred and sixteen persons, in November, 1732. They touched at Charleston and thence proceeded to explore the country for a convenient place to plant their settlement. Arriving at Yamacraw they descried a beautiful and elevated plain, above the bluffs which lined the bank of a river called by the natives Savannah; here they planted the city which now bears that name, and thus was laid the foundation of Georgia, so called in

honor of the sovereign from whom they procured their GEORGIA. charter.

General Oglethorpe soon afterwards visited England. Second expedition of Gen. Oglethorpe, 1736. He returned again in 1736 with three hundred emigrants, and erected forts at Augusta, Darien, and other places, which were the basis of further settlements. But the colony did not flourish, although the object of the proprietors was so humane and benevolent. It required a more material patronage than was within the reach or the control of the settlers, to defend them from the embarrassments occasioned by the wars between the French and the Indians. The charter was Charter surrendered back to the crown, 1752. surrendered back to the crown, when a royal government was established over the colony. But being at that time a frontier settlement, Georgia was subject to more embarrassments than beset the other colonies, and which materially impeded her growth and retarded her prosperity. The plantation remained in a very crippled condition until after the surrender of the Floridas to Great Britain.

NEW HAMPSHIRE.

This territory was originally a part of Massachusetts NEW HAMPSHIRE. Bay, and most of its early colonial history was developed under the auspices and general jurisdiction of that colony. The land lying within its limits, with a part of the territory now within the precincts of the state of Maine, was granted by the council at Plymouth, to Sir Ferdinand Gorges and Capt. John Mason, of Hampshire, England, under the name of Laconia. They Patent to Sir Ferdinand Gorges, 1632. planted Little harbor, near the mouth of the Piscataqua river, and Cochecho now called Dover, on the Cochecho river a few miles above its confluence with the Piscataqua. The colony was afterwards called New Hampshire, and was variously and uncertainly governed until 1641, when it came more immediately under the Designation of the colony. administration of Massachusetts Bay. It was separated again in the year 1680, by a charter from the crown,

PART III.

THE THIRTEEN COLONIES.

NEW-
HAMP-
SHIRE.

* Wilson's
U. S.
Its govern-
ment.

Changes
in her gen-
eral ad-
ministra-
tion.

Her em-
barrass-
ments.

Classifica-
tion of the
colonial
govern-
ments.

which erected it into a distinct province.* The government under it was composed of a president and council appointed by the king, and a house of delegates chosen by the people. Its first general assembly met at Portsmouth, in March, 1680, and enacted "that no act, imposition, law or ordinance, should be made, or imposed upon them, unless adopted by the assembly and approved by the president and council." The administration of Andros was extended over New Hampshire while he ruled in New England. When he was deposed the people took possession of the government as a distinct colony until 1690, when they again placed themselves under the government of Massachusetts Bay. This union was again dissolved by the crown a few years afterwards, and again renewed in the year 1699. The two provinces were under the administration of the same royal governor, though each had its separate legislative assembly, from this period down to the year 1741, when New Hampshire was permanently established as a separate province: As Georgia suffered from her location on the extreme southern frontier, so New Hampshire was harassed, her towns plundered, her houses pillaged and conflagrated, and her children butchered or led away captive, during the French and Indian wars which for years disturbed the northern frontier.

This cursory reference to the origin of the several colonies into which New England and Virginia were subdivided, prepares us to proceed with their general governmental regulations. In doing this I find them resolved into proprietary, provincial and charter governments.

THE PROPRIETARY GOVERNMENTS

Proprietary govern-
ments.

Were so denominated because the individual to whom the grant was made was invested with all power and authority in the colony, independent on any interference of the crown or parliament, except, as it was

expressly provided, when the grantee departed from the objects of the grant. The Proprietary possessed all the prerogatives of royalty, and the inferior powers of legislation which formerly belonged to the owners of counties Palatine in England. He was authorized to frame all laws, ordinances, and institutions, which he deemed necessary to protect or to promote the interests, or for the better regulation and government of the colony. He appointed the governor over it, and had power to direct him to call an assembly of the freemen or their delegates, to demand their assistance in devising the mode in which the functions of the government should be administered, or he might himself devise that mode. The chief executive power resided in the proprietary.

In the early history of the colonies under this form of administration, the whole body of the people met to enact laws and to provide for the general welfare of the plantation, but their ordinances were always subject to the revision of the proprietary,* who was often non-resident.

Character
of their
adminis-
trations.

* Black-
stone,
Story.

It is obvious that under such a policy of government many occasions might arise when the exercise of the prerogatives vested in the proprietary would be of great detriment, and tend even to the oppression of the colonists. Laws which in their view were wholesome, just, and necessary, unless they were sanctioned by his approval, became wholly inoperative and void. Thus the will of the people was made subject to the opinions, the wishes, and sometimes even to the arbitrary caprices, of the proprietary. This was more particularly the case where his power was delegated, as in frequent instances it was, to a lieutenant or a governor. Hence the history of those colonies which were subject to this form of administration, presents an almost uninterrupted series of controversies between the proprietors or their lieutenants and the people. At the time of our revolution, Pennsylvania,

Proprietary govern-
ments at
the time of
the Revo-
lution.

Delaware, and Maryland, existed under this form of government.

THE PROVINCIAL GOVERNMENTS

Provincial
govern-
ments.

Peculiar-
ities of
these ad-
ministra-
tions.

Assembly
of the
people.

Were those which were framed under a commission issued by the crown, which usually contained the appointment of the individual to whom they were chiefly directed to the office of governor, or vicegerent of the king. They derived their characteristic features from the nature of these commissions and the instructions with which they were accompanied. The governor, or vicegerent as he was sometimes called, was required to conduct the administration of the government agreeably to the laws of England, and was liable to be punished by those laws in case of maladministration. A council was also named in the commission, who were associated with the governor as assistants in the performance of his executive functions. With their consent, the governor had power to establish courts; to appoint judicial and other officers, and magistrates; to pardon offences; to remit fines imposed, or forfeitures incurred; to collate to churches and benefices; to levy military forces for attack or defence, and to establish martial law in times of war, invasion, or rebellion. The governor also had absolute power to suspend any member of the council from office, and to fill any vacancies which might occur, till the pleasure of the crown should be known in the premises.

These commissions also provided for calling an assembly of the freemen by delegates or representatives, chosen by the people of the several towns. These, with the governor and council of assistants, composed the legislative branch of the government, the governor and council composing the upper branch, and the house of delegates the lower, with a negative upon their enactments vested in the governor; all laws after their final passage in the province being subject to the

revision of the crown in England. Both the governor and judicial officers were dependent upon appropriations made by the general assembly for their compensation, which regulation operated as a healthful check against any violent assumption of authority or abuse of power. Appeals lay to the crown from the higher courts of judicature.*

*Story, Kent, Blackstone.

New Hampshire, New York, New Jersey, Virginia, Georgia, North and South Carolina, existed under this frame of administration at the time of our revolution. The two last named provinces were originally proprietary, but this form of government, as we before said, was attended with great embarrassment. The haughty and independent spirit of the people rebelled against the insolence and oppression of the proprietary. They threw off their authority, proclaimed themselves independent, and elected their own governor and council, in 1719. They were subsequently divided and erected into separate provinces under a commission from the crown.

Provincial governments at the time of the Revolution.

See Carolinas, ante.

THE CHARTER GOVERNMENTS

Were such as derived their existence under a charter of incorporation, containing a grant of political powers and privileges to the company generally. Their governor was appointed in the first instance by the crown, and after that he was chosen by the company. We have already seen what were the general provisions of these charters, and how they were evaded or departed from in the several colonies or companies established by them; and how in the progress of their history they gradually grew into the exercise of more liberal executive, legislative, and judicial powers, than were conferred or warranted by their early charters. The new charters which some of them received at a later day, expressly secured to them many of these immunities and privileges. Their governors were appointed by the crown, while the council of assistants was chosen

Charter governments.

Their peculiarities.

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THE THIRTEEN COLONIES.

Charter
govern-
ments at
the time
of the Rev-
olution.

by the general assembly, and the representatives by the people themselves. Massachusetts Bay, Rhode Island, and Connecticut, were the only charter governments existing at the time of our revolution. The two last named were more purely democratic than any of the others. The governor, deputy governor, council of assistants, and house of representatives, were chosen directly by the people, and all other officers were appointed by them.

Similarity
of their
adminis-
trations.

Such were the principal features wherein the several English colonies in America differed in their general governmental organizations. I now propose to point out those in which they were similar, and which, while they proclaim their consanguinity to each other and to the mother country, at the same time illustrate the origin and the growth of those ties of political relationship and fraternity which served in the maturity of their development to harmonize their opinions, to blend and confirm their sympathies, and ultimately to bind them together in a perfect, permanent, and happy union.

Constitu-
tional
rights and
restric-
tions.

1. *To all of the colonists and their descendants*, in every of the colonies, were guaranteed "all the rights, privileges and immunities of native-born subjects of England," while upon the legislative powers of each was imposed the restriction that their laws should not be repugnant to, but as near as might be agreeable with, the laws of England. This restriction was but little regarded, however, in most of the colonies, and does not appear to have been rigidly enforced by the crown. Their general assemblies availed themselves of the qualification it seemed to contain, and adopted a latitude of construction which admitted the passage of laws and ordinances differing from those of the parent state, wherever the latter were regarded as inappropriate to their circumstances and condition. Occasions frequently arose which rendered this liberty

of legislation necessary to their preservation and prosperity. Indeed, in the several colonies the same provisions of the English laws were not found of a like suitable application, but were adopted with a singular variety of construction. Hence, although each of them regarded the Common Law of England as its just and hereditary right, and the basis of its own system of jurisprudence and administration, it were difficult to trace the varied superstructure in each to the same original source.

English
common
law, how
regarded
among
them.

We find, however, a much wider departure from their charter provisions in their legislative enactments than in their judicial decisions. These provisions as well as the laws of the mother country, whether springing from the ordinances of the crown or the enactments of parliament, were alike disregarded, unless where they had reference to their relations with the mother country, or with each other, and did not interfere with their internal policy.

Departures
from laws
of Eng-
land.

2. *The right of the people to choose delegates*, who should constitute a branch of their general assembly, to represent and protect their interests, and to enact their laws, was rigidly insisted upon and enjoyed by all the colonies. This right had been already claimed as a fundamental principle and was conceded in the original organization of the proprietary and charter governments; while under the provincial organizations frequent controversies arose between the crown and the colonists as to its nature and limitations. "Virginia was for many years distracted under the government of presidents and governors with councils, in whose nomination or removal the people had no voice; until a house of burgesses broke out in the colony, without any powers or directions from the king, or the grand council at home, permitting it. The governor and assistants of Massachusetts Bay at first intended to rule the people, and for awhile obtained their consent for it, but this lasted only two or three years, and although

The right
of repre-
sentation.

Controver-
sies about
this right.

See Part I.

Right of
represent-
ation.

See Part II.

Controversy about,
under
James II.
* Hutchin-
son.

Claim of
the crown.

Claim of
the colo-
nies.

there was no colour for it in the charter, yet a house of deputies suddenly appeared in 1634, to the surprise of the magistrates, and the disappointment of their schemes for power. The colony of Connecticut soon followed the plan of Massachusetts Bay. In the colony of New Haven, although the people had the highest reverence for their leaders, and for nearly thirty years submitted to their magistracy (who, however, be it remembered, were annually chosen,) without a jury, yet in matters of legislation from the beginning they would have their share by their representatives. The people of the colony of New Hampshire continued together under the same form as Massachusetts Bay.

“Lord Say tempted the principal men of the Massachusetts Bay company, to make themselves and their heirs nobles, and absolute governors of a new colony, but under this plan they could find no people to follow them. After the restoration of Charles II. there is no instance of a colony settled in America without a representative assembly of the people; nor any attempt to deprive the colonies of this privilege except in the arbitrary reign of James II.”* The crown claimed that this privilege of popular representation originated not in any inherent right in the people to participate in the government of the colony, but in its own good pleasure and bounty. That even the bestowal of the privilege under the provisions of a charter, or a commission from the crown, or by parliament, did not deprive the king of the power to recall the grant, or restrain its exercise. It was claimed, moreover, that the sovereign had a right, in the exercise of his prerogatives of sovereignty, to fix the number of representatives, to determine how and when they should be chosen, when and how often they should assemble, and how long their sessions should continue. On the other hand it was claimed by the colonies that from the beginning it was stipulated that they should be invested with and enjoy “all the liberties, privileges and franchises of

native born subjects of England," and one of these was, the right of representation in their general assemblies by delegates chosen by the people themselves. This, it was well reasoned, was in effect taken away if a power resided in the crown to continue an assembly without a new election of delegates, under any circumstances. Although in its origin this controversy presented itself in a local aspect, the point at issue was of too serious a nature to be regarded by the colonists as of merely local importance. It elicited the interest and awakened the anxieties of all. They truly argued that if such a doctrine were to prevail over any portion of the continent, or over any one of the colonies, it would open the way for a wider usurpation of sovereignty on the part of the crown; and the same arbitrary sway would be in course extended over all the rest. They felt that the question involved a vital principle of political freedom, and that it would endanger all their liberties to give it up. Accordingly the several colonial assemblies passed resolutions in a bold, manly, and decisive spirit, insisting on this right, and claiming it as an established and fundamental element in their organization: So that at the time of our revolution there was not one of them without a representative assembly of its own choosing.

Right of
represent-
ation.

Claim of
the colo-
nies estab-
lished.

3. *The tenure by which lands were holden*, was also the same in all of the colonies, and of the most free and liberal nature, they being "holden of the crown in free and common soccage, and not *in capite*, or by knight-service." They were thus exempted from the oppressions and servitude which feudalism had introduced into the mother country. Being independent on the will of a superior lord, they almost universally regarded themselves as sole owners and proprietors of the soil which they occupied and cultivated. The necessary result of this system of tenure was, that it produced one uniform and simple mode of conveying and transferring property in all America. Deeds and other

Tenure of
lands.

Tenure of lands. instruments of conveyance or transfer, when executed, acknowledged, and recorded, were considered fully efficient in transferring the title, without any of the attendant ceremonies of livery of seizin, or taking possession, which prevailed in England.*

Political Relations. 4. *In their local municipal organizations* the colonies were distinct and independent of each other, each colony exercising within its own territorial limits all the powers necessary for its own internal regulation, while at the same time they were each and all dependent upon the kingdom of Great Britain, declared and admitted to be a part of its dominions. They freely acknowledged their allegiance to the crown, were excluded from all connection with foreign states, and, as dependencies, they followed the fate, and were willing to follow and to fight the fortunes of the parent country. As such also they severally claimed and enjoyed the right of appeal to the crown from the adjudications of their respective colonial governments, and their appeals were heard and determined by the king in council.*

* Blackstone, Story, Kent.

Their religion and intercourse 5. *The Holy Bible was received as of divine inspiration*, and Protestant Christianity in whatever form was recognized as an element in the organization of civil government and civil society, which gave to either and insured to both, its life, its efficiency, its freedom and its permanency, and was the predominant system of religious faith in all of the colonies. They recognized the first day of the week as the Christian Sabbath or Lord's Day, and generally observed it as a day of public worship, and private devotion and rest, while they prohibited its desecration and disturbance by ordinary secular business, or noisy mirth. Thus it came to pass that in their intercourse and relations with each other they were perfectly amicable, fraternal, and harmonious. Each inhabitant enjoyed the privilege of free ingress and egress from one colony to the other, and could claim the same rights, liberty, and protection, in the one as in

Their fraternity, harmony and unity.

the other. Like brethren of the same family, sharing the same benefits, receiving the same protection and enjoying the same blessings, under the care and oversight of the same common parent, whom they all loved and venerated, they were One People,—one in origin, one in language, one in religion, one in dependence, one in inheritance, one in interest, one in sympathy, and one in destiny.

The Treaty of Peace, which was definitively signed at Fontainebleau, wherein France ceded to Great Britain all of her possessions east of the Mississippi River, was an important era in the governmental history of the colonies. It put an end to the French wars which had so much distracted the country, and relieved the colonists from the agitations and embarrassments so prevalent during the existence of that power in America, and which had so materially disturbed their tranquillity and impeded their prosperity. Had England taken advantage of the grateful feelings awakened among them by the peace of 1763, she might have secured forever their loyalty and allegiance. We may be permitted to express our surprise at the policy which she pursued, but it was not the province nor was it in the power of human ingenuity, to uncover the mysterious designs of that Providence who directs the allotments of men and of empires. Already, as we have seen, had been developed and set in operation in the growth of the colonies, a train of causes whose progressive influences must bring about their independence. The principles of civil and religious liberty which had grown to be an inherent and vital part of their constitutional existence, were now necessarily brought into collision and conflict with the paramount authority exercised over them by the parent state. The component and essential elements of their political organism as well as their political life, hitherto, were wholly antagonistic to the condition of political dependence. And had it not been the event which now

Close of
the French
wars by the
peace of
1763.

Its effect
upon their
relations
with Eng-
land.

Inherent
elements
of inde-
pendence.

gave origin to the controversy which brought about the revolution, the severance of their allegiance to the mother country would just as surely have followed upon some other exigency. It was a foregone conclusion in the decrees of the Omniscient, that this great continent of North America, with all its vast resources of abundance and happiness to our race, must become the abode of a great nation—the home of free principles—the sanctuary of true religion,—the refuge of the oppressed—the hope of mankind—nor could any human forethought or sagacity stay the tendencies to this result. It was foreseen by the sagacious Count de Vergennes when he remarked upon the conclusion of the treaty, —“they will no longer need the protection of England, she will call upon them to contribute toward supporting the burdens they have helped to bring on her, and they will answer by striking off their dependence.”* And so it was.

* Irving's
Washing-
ton.

Peace was proclaimed, but to accomplish it had thrown a heavy burden of debt upon England, while to preserve it, it was supposed, would require a large increase of her military establishment. Finding her own resources insufficient to sustain this weight of debt, and to supply this increase of expenditure, it was resolved that it was “just and necessary that a revenue should be raised in America.” Accordingly, in the spring of 1764, Sir George Granville, then Chancellor of the Exchequer, introduced and carried through parliament an act which recited that,—

“*Whereas it is just and necessary* that a revenue be raised in America for defraying the expenses of defending, securing, and protecting the same, *We, the House of Commons, &c., towards raising the same, give and grant* unto your Majesty the sum of £—.” Here follows a specification of duties and imposts to be levied in the colonies on West India goods, French and East India produce, and various foreign articles of luxury—“the monies arising therefrom to be paid into the re-

The revenue policy,
or parliamentary
taxation,
1764.

ceipt of his majesty's exchequer, to be entered separate, and reserved to be disposed of by parliament towards defraying the necessary expenses of defending, protecting, and securing America." Parliamentary taxation, 1764.

In defining their relations with the mother country the several colonies had early taken a distinction between the ordinances of the crown and the enactments of parliament. They admitted that they were bound to render all due allegiance to the former, while they denied the supremacy of the latter. They insisted that in themselves they possessed all legislative powers, and were not bound by any enactments in which their own representatives had had no voice, or to which they had not given their assent, and they had always complained of all such acts as grievances. At times, however, the decisions of their judiciary had compelled them to relinquish this position so far as to acquiesce in the power of parliament to pass such acts as were made to promote their general welfare, or to regulate their commerce, or to establish their relations with the mother country and their intercourse with foreign nations. And they had even gone so far as to assent to the imposition of duties which were laid for these purposes. But still they had always stoutly insisted that parliament had no right whatever to give away their property, or to levy any internal tax, without their assent.* It was not that they were unwilling, in their own way, and by the action of their own assemblies, to contribute their just proportion towards defraying any expenses incurred expressly for their benefit. But that the House of Commons, in which they were not represented, should take to itself the prerogative *to give and grant* their property *without their consent*, was what roused their opposition to the measure. * Marshall, Story, Kent, etc., and see ante, Parts I. and II.

They were always particularly sensitive on this subject of taxation for the mere purpose of increasing the revenues of the crown. The experiment was proposed under the ministration of Sir Robert Walpole, and he

Parliamentary taxation, 1764. declared in opposition to the proposal, that—"it must be a bolder man than himself, and one less friendly to commerce, who should venture on such an expedient."*

As early as the year 1692, the general court of Massachusetts Bay passed an act wherein they denied the existence of any right in parliament to impose any tax upon them. Subsequently to this the general assembly of New York passed a similar resolution, wherein the supremacy of parliament was denied, not merely on the point of taxation, but with regard to legislation generally.†

Opposition to it in the colonies generally.

† Story, Kent.

In the years 1760–61, attempts were made to collect duties on sugars and molasses imported into Boston, and *writs of assistance* were issued to the custom house officers to aid them in enforcing their collection. But the execution of these writs was opposed by the merchants and the people, and their opposition to them was so eloquently defended by James Otis, that John Adams subsequently alluding to that contest as the first scene of opposition to the arbitrary claims of Great Britain, declared that "then and there American independence was born."

Blindness of the ministry.

Deluded by the specious pretext of meeting the expenses incurred during the French war for the benefit of the colonies, and of providing for their future protection and defence, the ministry seemed to have overlooked entirely the vast interest of Great Britain in securing and maintaining them in their allegiance to her sovereignty. Otherwise it seems incredible that they should not have seen how much more easy it was to accomplish their object by encouraging their trade to the utmost, one-half of the profits of which would be sure to flow into the royal exchequer through the increased demand for British manufactures. This,

* 1 Irving's Washington.

as Sir Robert Walpole had said, "would be taxing them agreeably to their own constitution and laws."*

The colonies also spurned the idea of a fostering care over them in parliament, even had they felt that they needed its protection. It seemed to be exercised

only to deprive them of their liberties, and assumed too much the attitude and the character of a hostile exaction. Their general voice was—"if a British parliament in which we are unrepresented, and over which we have no control, can take from us any part of our property, by direct taxation, they may take so much as they please, and we have no security for anything that remains, but a forbearance on their part, less likely to be exercised in our favor, inasmuch as they lighten themselves of the burdens of government in the same proportion that they impose them upon us."*

Parliamentary taxation, 1764.

Voice of the colonies.

* Story, Winterbotham.

Until this period in their history, no act had been passed by parliament for the distinct and avowed purpose of raising a revenue in America. All its previous acts related to the establishment and regulation of their commerce, from which source alone their contributions to the support of the empire of Great Britain were sought to be derived. The causes which under other circumstances operated to produce their acquiescence in the superintending care which had been thus exercised by the home government, which was mainly embodied in the restrictions which were imposed by the acts of navigation, are very vividly portrayed in a speech delivered in the House of Commons at this time, and on this very question, by Sir Edmund Burke.

Novelty of the measure.

"The colonies," he says, "have submitted hitherto to these infringements of their liberties because men do bear the inevitable constitution of their nature with all its infirmities. The Act of Navigation attended the colonies from their infancy, grew with their growth and strengthened with their strength. They were confirmed in their obedience to it even more by usage than by law. They scarcely had remembered a time when they were not subject to its restraints. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the

Speech of Sir Edmund Burke against it.

Parlia-
mentary
taxation,
1764.

Speech of
Sir Ed-
mund
Burke
against it.

richest men in the world. By his immense capital—primarily employed not for their benefit but his own—they were enabled to proceed with their fisheries, their agriculture, their ship-building, and their trade, too, in the limits, in such a manner as got far the start of the slow and languid operations of unassisted nature. This capital was a hot-bed to them. Nothing in the history of mankind is equal to their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday; than a set of miserable outcasts a few years ago, not so much sent as thrust out on the bleak and barren shore of a desolate wilderness, three thousand miles from all civilized intercourse. All this was done by England, while England pursued trade and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least four-fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation which you are now going to take away from her. She had—except the commercial restraint—every characteristic mark of a free people in all her internal concerns. She had the image of the British constitution, she had the substance. She was taxed by her own representatives; she chose her own magistrates; she paid them all. She had in effect the sole disposal of her own internal government. This whole estate of commercial servitude and civil liberty, taken together, is certainly not freedom; but comparing it with the ordinary circumstances of human nature, it is a happy and a liberal condition.”*

* Burke's
Works.

This speech not only points out the causes of the submission of the colonies to the legislative authority

hitherto exercised over them by the mother country, but it also discloses those which now inspired their resistance. As I have already observed, until now no act had been passed by parliament for the avowed purpose of raising a revenue in America. The word revenue had not been even used in any previous acts, which ran through a period of about one hundred years.* It was avoided in all laws respecting them, which always had reference more particularly to commerce and not to revenue; and while these conduced to the mutual advantage of the colonies and the crown, they submitted to the principle of commercial monopoly thus exercised by the parent government.

Parliamentary taxation, 1764.

* From 1660 to 1764.

But the revenue system, of which this was the commencement, involved the introduction of a new, altogether different, a more oppressive and an offensive policy. It was an innovation which aimed a fearful blow at their dearest and most sacred rights. It was utterly at war with what they had learned to regard and cherish as the very spirit and essence of civil liberty, and a fundamental maxim of political economy. They had grown up with the persuasion and in the belief, that their own representative assemblies were to them what the House of Commons was to the people of England, and that taxation and representation were concomitant and inseparable qualities in a free government.

The principle involved.

But, while the principle involved in the revenue policy roused the opposition of the colonies, the manner in which its provisions were sought to be enforced excited their bitter indignation and resentment. Men-of-war were, for the first time in the history of commerce, armed with the regular commissions of custom-house officers; with these they invested the coasts, and gave to the collection of the revenue the air of a hostile contribution. They fell so indiscriminately on all sorts of contraband, or supposed contraband articles, that some of the most valuable branches of trade

Mode of its enforcement.

Parliamentary
taxation,
1764.

* Burke.

Trial of
delinquents.

* Bissett.

Its effect
in the colonies.

† Irving's
Washington.

were driven violently from their ports, which caused an universal consternation throughout the colonies.* Besides this, jurisdiction over delinquents or supposed offenders, was confined to a court of admiralty in England. On mere accusation or even suspicion, parties were arrested, and without any preliminary examination or hearing, were transported over an ocean of three thousand miles in extent, separated from their kindred and country, deprived of the opportunity of carrying on their legitimate business by which their families were supported, and subject to the trouble and expense of procuring the attendance in England of witnesses on their behalf, or else were convicted and condemned without the benefit of their testimony.* Thus they were deprived of one of the first rights of Englishmen, trial by a jury of their own countrymen in their own vicinage. Nor was this the only or full extent of the evil: the admiralty judge, receiving his appointment from, and holding his office during the good pleasure of the crown, and withal deriving his compensation out of the penalties and forfeitures arising under his jurisdiction, could hardly be supposed to administer judgment with an impartial hand.

Such was the character and such the operation of parliamentary taxation in America at the close of the year 1764. The press, that engine of freedom, more powerful and formidable than the battering-ram of the ancients, in every variety and form of publication, teemed with appeals to the people of both countries, protesting against this arbitrary exercise of kingly prerogatives and parliamentary authority. The merchants resolved not to import, and the people not to consume, or use, beyond the limit of actual necessity, any articles of British production or British manufacture.

So that "in Boston alone the demand for such goods was lessened upwards of £10,000, during the year."†

Such evident tokens of dissatisfaction we might naturally enough suppose would not pass unheeded by the

ministry of Great Britain. Instead, however, of taking the alarm, and adopting more cautionary measures, or a more constitutional mode of accomplishing the object in view, it was still deliberately insisted that it was right and just to raise a revenue in America by parliamentary taxation. In pursuance of this policy a bill for laying stamp duties was introduced by Lord George Grenville, then at the head of the government, in March, 1765.

Parliamentary
taxation.

Bill for
stamp du-
ties, March,
1765.

This bill became generally characterized as the Stamp Act. It provided that instruments in writing, which were used in all business and commercial transactions, all legal documents, promissory notes, deeds, commercial papers, official certificates, contracts, conveyances, etc., should be null and void in the colonies unless they were executed on *stamped paper* or parchment; which paper or parchment was impressed with the stamp of the home government, and charged with a duty imposed by parliament. The payment of the duty fell upon any person who purchased the paper for ordinary or necessary uses. It operated in fact as a direct personal tax upon almost every inhabitant of the colonies. The introduction of the bill drew forth in defence of the position taken by them, or rather in opposition to the violations of constitutional liberty contained in its provisions, some of the ablest expositions of the true elements of civil liberty which were ever made in the halls of the British parliament.

Provisions
of the bill.

Mr. Charles Townshend, one of the advocates of the measure, in the conclusion of a speech in support of it, said—"and now will these Americans, children planted by our care, nourished by our indulgence, till they are grown to a degree of strength and opulence; and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burden which we lie under?"

Speech of
Sir Charles
Town-
shend, in
favor of
the act.

Col. Barré of the opposition, who had served in America during the French war, replied—"They plant-

Col. Barré
in reply.

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ed by your care? no, your oppression planted them in America. They fled from tyranny to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable, and among others to the cruelties of a savage foe, the most subtle, and I will take upon me to say, the most formidable of any people on the face of the earth. And yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country from the hands of those who should have been their friends. *They nourished by your indulgence?*

The Stamp
Act, 1765.
Speech of
Col. Barré.

They grew up by your neglect of them: As soon as you began to care about them, that care was exercised in sending persons to rule them in one department and another, who were perhaps the deputies of deputies to some members of this house, sent to spy out their liberties, to misrepresent their actions, and to prey upon them; men whose behavior, on many occasions, has caused the blood of these sons of liberty to recoil within them; men promoted to the highest seats of justice, some who, to my knowledge, were glad, by going to a foreign country, to escape being brought to the bar of the court of justice in their own. *They protected by your arms?* They have nobly taken up arms in your defence, have exerted a surprising valour, amidst their constant and laborious industry, for the defence of a country whose frontier was drenched in blood, while its interior part yielded its little savings to your emolument: And believe me; remember I this day told you so; that same spirit of freedom which actuated that people at first will accompany them still. But prudence forbids me to explain myself further. God knows, I do not at this time speak from any motives of party heat. What I deliver are the genuine sentiments of my heart: However superior to me in general knowledge and experience the respectable body of this house may be, yet I claim to know more of America than most of

you, *having seen and been conversant in that country.* Parliamentary taxation.
 The people, I believe, are as truly loyal as any subjects the king has, but a people jealous of their liberties, and who will vindicate them if ever they should be violated—but the subject is too delicate; I will say no more.”

Sir Edmund Burke, on the part of the opposition to the bill, rose and said—“ The great contests for free- Speech of Sir Edmund Burke on the Stamp Act, 1765.
 dom in England were from the earliest times chiefly upon the question of taxing. On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the very nature of a House of Commons *as an immediate representation of the people*, whether the old records delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life blood, these ideas and principles. Their love of liberty as with you, is fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat they thought themselves sick or sound. And your mode of governing them, whether through lenity or indolence, through

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wisdom or mistake, confirmed them in the imagination that they as well as you had an interest in these common principles."

Taxation
under
Charles I.
and James
II.

Charles I. attempted, during his reign, to levy ship-money and other taxes, without the intervention of parliament, and the attempt was resisted as an infringement of the liberties of the people, as well as a violent invasion of the rights secured to them by the English constitution. It involved him in a passionate controversy with his subjects which terminated in bringing his neck to the block. James II. undertook to exercise a similar policy, but, as we have seen, it resulted in his expulsion from the throne and a transfer of his crown to William and Mary, the prince and princess of Orange.

Develop-
ments of
the revolu-
tion of
1688.

These were some of the phases in which the political elements of freedom embraced in the protestantism of the puritans were developed. And accordingly as they reached a more distinct and tangible form, the religious aspect of the controversy died away, and in its place arose those more disastrous conflicts between the political liberties claimed by the people on the one side, and the assumed prerogatives of the crown on the other; which ended only in the establishment of those fundamental principles of civil liberty which were the basis of the English constitution, and which declare—"that it was the undoubted right of English subjects, being freemen or free-holders, to give their property only by their own consent,—that the

Principles
of freedom
established
by the rev-
olution of
1688.

House of Commons exercised the sole right of granting the money of the people of England *because that House alone represented them*: that the taxes were the free gift of the people to their rulers: that the authority of the sovereign was to be exercised only for the good of his subjects—that it was the right of the subjects, of the people, peaceably to meet together and consider their grievances, and to petition for a redress of them; and if intolerable grievances were unredressed, if petitions

and remonstrances failed to produce relief, they had the right to seek it by forcible means, *by revolution*.

Parliamentary taxation.

While the struggles which resulted in the establishment of these principles were going forward in the parent state, the colonies were forming in America. They had imbibed, and incorporated into their own organizations, all these notions of liberty. The idea therefore of their submitting to such an infringement of their constitutional rights as was now proposed, it seems could hardly have been seriously entertained by the advocates of the measure. "It must have been supposed," says governor Bernard of Massachusetts Bay, "that such an innovation, as a parliamentary taxation, would cause great alarm, and meet with much opposition in most parts of America. It was quite new to the people and had no visible bounds to it."*

Opinion of Governor Bernard.

* Winterbotham.

Dr. Franklin was in Boston when governor Shirley communicated to him the profound secret, the great design then entertained, of taxing the colonies by act of parliament. In remarking upon the proposed scheme, Dr. Franklin denied the right of parliament to impose any tax, or to compel the colonies to pay money for their own defence, without their consent. He then declared that all America would deny it, insisting at the same time, "if parliament is to tax the colonies, their assemblies of representatives may be dismissed as useless; that taxing the colonies by parliament for their own defence against the French, would not be more just, than it would be to oblige the *cinque-ports*, and other parts of Great Britain, to maintain a force against France, and tax them for this purpose, without allowing them representatives in parliament; that the colonies have, at the hazard of their lives and fortunes, extended the dominions and increased the commerce and riches of the mother country; that therefore the colonists did not deserve to be deprived of the native right of Britons, *the right of being taxed only by representatives chosen by themselves*."*

Opinion of Dr. Franklin, in anticipation of it.

* See Life of John Adams, vol. iv.

Parliamentary taxation.
Opinion of John Adams.

Duties on trade, why submitted to.

* Life of John Adams, vol. iv.

Passage of the Stamp Act.

Demonstrations against it in Virginia.

See PART I.

"We had considered ourselves," says John Adams, "as connected with Great Britain, but we never thought parliament the supreme legislature over us. We never generally supposed it to have any authority over us, but from necessity, and that necessity we thought confined to the regulation of trade, and to such matters as concerned all the colonies together. We never allowed them any authority in our internal concerns. Duties for regulating trade we paid, because we thought it just and necessary that they should regulate the trade which their power protected. As for duties for a *revenue*, none were ever laid by parliament for that purpose until 1764, when, and ever since, its authority to do it, has been constantly denied."* In the same year Mr. Otis, in his Rights of the Colonies, showed conclusively that it was inconsistent with the right of British subjects that they should be taxed but by their own representatives. And now, while the Stamp Act was yet pending in parliament, petitions against the measure were sent to the king, and remonstrances were addressed to parliament, by the several colonial assemblies, through the medium of the Board of Trade in London. These papers were committed to the agency of Dr. Franklin and others who added their personal protest against the measure. But they were ungraciously received, the mad policy was persisted in, the Stamp Act was passed, and every variety of stamped paper designated by it was transported in large quantities to America, to be placed in the hands of British agents to be sold.

The publication of the act in the colonies produced the greatest excitement. And it is a singular fact in the history of the controversy it originated, that the first demonstration of opposition to its provisions should have emanated from Virginia, the most royal, and perhaps, too, the most truly loyal colony in all America. Yet if we refer back to her early experience we will find that whatever her attachments to the mother coun-

try Virginia was always peculiarly tenacious of the authority of her general assembly, and extremely sensitive on this very point of taxing. It now so happened, and we may well believe it was not a mere chance coincidence, that her general assembly was in session when the passage of the Stamp Act was announced on this side of the Atlantic, and on the twenty-ninth day of May the discussion of it was commenced. Among the burgesses sat the afterwards eminent patriot, Patrick Henry, then a young man, who had recently distinguished himself as a lawyer in arguing a case which, on his side, involved opposition to the exercise of the prerogatives of the crown in church matters. He was now for the first time returned as a member of the assembly. He had studied the old records of the colony, and imbibed from them the true spirit of liberty with which they were rife. Above many of his time, and of his years, he had watched the developments of protestant freedom, both in the old world and the new, and with prophetic confidence had cherished the conviction that a higher emancipation from the restraints of arbitrary and oppressive kingly prerogatives, and parliamentary authority, was in store for his country and for mankind. Rising in the midst of the discussion, all eyes were at once directed towards him, and all ears gave wrapt attention as he proposed and read the following preamble and resolutions:

“WHEREAS, The Honorable the House of Commons in England, has of late drawn into question how far the general assembly of this colony hath power to enact laws for laying taxes and imposing duties, payable by the people of this his majesty’s most ancient colony, for settling and ascertaining the same to all future times, the House of Burgesses of the present general assembly have come to the several following resolutions:

“RESOLVED, that the first adventurers and settlers of this his majesty’s colony and dominion of Virginia,

The Stamp Act, 1765.

Its reception in Virginia.

Patrick Henry.

Virginia resolutions.

Rights of original settlers.

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The Stamp Act in Virginia, 1765. brought with them, and transmitted to their posterity, and all others his majesty's subjects since inhabiting in this his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed, by the people of Great Britain.

Their charter rights. See PART I. "RESOLVED, that by two royal charters, granted by king James I., the colonies aforesaid are declared entitled to all the privileges of denizens, and natural born subjects, to all intents and purposes as if they had been abiding and born within the realm of England.

Taxation and representation characteristic of British freedom. "RESOLVED, that the taxation of the people by themselves, or by persons chosen by themselves to represent them, who only can know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguished characteristic of British freedom, and without which the ancient constitution cannot subsist.

An ancient right in Virginia. "RESOLVED, that his majesty's liege people of this most ancient colony, have uninterruptedly enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police, and that the same hath never been forfeited, nor in any other way yielded up, but hath been constantly recognized by the king and people of Great Britain.

Destructive of freedom in America and England. "RESOLVED THEREFORE, that the general assembly of this colony have the sole power to lay taxes and impositions upon the inhabitants of this colony, and that any attempt to vest such a power in any person, or persons, whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy *British* as well as *American* freedom."*

* Statutes at large.

Speech of Patrick Henry.

Mr. Henry went into an able and elaborate argument to vindicate these resolutions as expressive of the constitutional rights of the colonies, and closed with those glowing words of warning and of eloquence so well described by Wirt—"Cæsar had his Brutus, Charles the First his Cromwell, and George the Third"—"Treason! treason!" cried the speaker, Mr. Robinson,

and others—"may profit by their example," continued the orator, and then nodding to the speaker, added—"Sir, if this be treason make the most of it!" and then sat down. The resolutions were passed.*

The Stamp Act in Virginia in 1765.

* See Irving's Washington.

Soon after their passage, the lieut. governor, Fauquier, dissolved the assembly, and writs were issued directing a new election of burgesses. Those who had voted for the resolutions were unanimously re-elected, while those who had opposed them were defeated. Resolutions proclaiming the same doctrines and breathing the same spirit, were also passed by the assemblies of New York, Massachusetts Bay, South Carolina, and most of the other colonies as they convened.

In New York, etc.

"These resolves," says John Adams, "expressed the universal opinion of the continent at that time, and the alacrity with which every other colony, and the congress at New York, adopted the same sentiment in similar resolves, proves the entire union of the colonies in it, and their universal determination to avow and support it."† Town meetings were everywhere called, at which the people passed resolves instructing their representatives in the provincial assemblies to oppose any measure whose object was to uphold the Stamp Act.

† Life of John Adams, vol. iv.

The following letter of instructions emanating from the spot where the first settlement in New England was planted, the old town of New Plymouth in Massachusetts Bay, addressed by his constituents to their representative in the general assembly of that colony, is interesting not only for the spirit which it breathes, and the sentiments which it contains, but also as illustrative of the feeling of hostility to the proceedings of parliament which pervaded all the colonies.

A voice from New Plymouth.

"You, sir, represent a people who are not only descended from the first settlers of this country, but inherit the very spot they first possessed. Here was first laid the foundation of the British empire on this part of America, which, from a very small beginning, has increased and spread in a manner very surprising, and

The Stamp
Act, its re-
ception in
America,
1765.

almost incredible, especially when we consider that all this has been effected without the aid or assistance of any power on earth ; that we have defended, protected, and secured ourselves against the invasions and cruelty of savages, and the subtlety and inhumanity of our inveterate and natural enemies, the French ; and all this without the appropriation of any tax by stamps, or stamp acts, laid upon our fellow-subjects, in any part of the king's dominions, for defraying the expense thereof.

A voice
from New
Plymouth.

“ This place, sir, was at first the asylum of liberty, and we hope will ever be preserved sacred to it, though it was then no more than a barren wilderness, inhabited only by savage men and beasts. To this place our fathers—whose memories be revered—possessed of the principles of liberty in their purity, disdaining slavery, fled to enjoy those privileges which they had an undoubted right to, but were deprived of by the hands of violence and oppression in their native country.

“ We, sir, their posterity, the freeholders and other inhabitants of this town, legally assembled for that purpose, possessed of the same sentiments, and retaining the same ardor for liberty, think it our indispensable duty, on this occasion, to express our sentiments of the Stamp Act and its fatal consequences to this country, and to enjoin upon you, as you regard not only the welfare, but the very being of this people, that you—consistent with our allegiance to the king, and relations to the government of Great Britain—disregarding all proposals for any other purpose, exert all your power and influence in opposition to the Stamp Act, at least till we hear the success of our petitions for relief. We likewise, to avoid disgracing the memories of our ancestors, as well as the reproaches of our own consciences, and the curses of posterity, recommend it to you, to obtain, if possible, in the honorable house of representatives of this province, a full and explicit assertion of our rights, and to have the same

entered on their public records, that all generations yet to come may be convinced, that we have not only a just sense of our rights and liberties, but that we never, with submission to Divine Providence, will be slaves to any power on earth."

George Washington of Virginia, was a member of the house of burgesses of that colony when Patrick Henry moved the resolutions already referred to, and gave to them his approval. After the adjournment of the assembly he retired to his seat at Mount Vernon. Hitherto he had taken no active part in political life; but the proceedings of the assembly, and the general aspect of things throughout the colonies, now evidently seemed to attract his most interested attention. With that calm composure and thoughtfulness for which he was always so remarkable, he surveyed the scene, and thus expressed himself in a letter to Mr. Francis Danbridge, then in London, dated September twentieth.

"The stamp act imposed on the colonies by the parliament of Great Britain, engrosses the conversation of the speculative part of the colonists, who look upon this unconstitutional method of taxation as a direful attack upon their liberties, and loudly exclaim against the violation. What may be the result of this, and of some other (I think I may add ill-judged) measures, I will not undertake to determine; but this I may venture to affirm, that the advantage accruing to the mother country, will fall greatly short of the expectation of the ministry; for certain it is, that our whole substance already in a manner flows to Great Britain, and that whatsoever contributes to lessen our importations must be hurtful to her manufactures. The eyes of our people already begin to be opened, and they will perceive that many luxuries, for which we lavish our substance in Great Britain, can well be dispensed with. This consequently will introduce frugality, and be a necessary incitement to industry. If Great Britain therefore, loads her manufactures with heavy taxes

The Stamp Act, its reception in America, 1765.

George Washington.

Opinion of Washington upon its policy.

How hurtful to England.

The Stamp Act, its reception in America, 1765.

will it not facilitate such results? They will not compel us, I think, to give our money for their exports, whether we will or not: And I am certain, that none of their traders will part with them without a valuable consideration. Where, then, is the utility of those restrictions? As to the Stamp Act, regarded in a single view, one of the first bad consequences attending it, is, that our courts of judicature must inevitably be shut up; for it is impossible, or next to impossible, under our present circumstances, that the act of parliament can be complied with, were we ever so willing to enforce its execution. And not to say (which alone would be sufficient) that we have not money enough to pay for the stamps, there are many other cogent reasons which prove that it would be ineffectual. If a stop

* Writings of Washington, vol. ii.

is put to our judicial proceedings, I fancy the merchants of Great Britain trading to the colonies will not be among the last to wish for a repeal of the act.”*

The general assembly of Massachusetts Bay proposes a colonial congress.

At this crisis the general assembly of Massachusetts Bay resolved that it was expedient to convene a general congress of delegates from the several colonies, in order to consult together as to the most advisable mode of meeting the exigences of the country. Pursuant to this resolution circular letters were addressed to the several provincial assemblies, recommending the holding of such a convention in the city of New York

Responded to by South Carolina.

on the first Monday of October then next. The legislature of South Carolina was the first south of New England to accede to this proposal. The influence of her example served to allay the apprehensions of those colonies which doubted the expediency of the measure: And so universal was the sentiment of opposition throughout America, that at the time and place designated twenty-eight delegates assembled, representing Massachusetts Bay, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina.

And other colonies.

The governors of Virginia, North Carolina, and

Georgia, interfered and prevented those colonies from sending delegates; but each of them forwarded petitions and resolutions, in which they strongly condemned the policy, and insisted upon the unconstitutionality of the Stamp Act.

The colonial congress in New York, Oct. 1765.

This congress addressed a petition to the crown, a memorial to the House of Lords, and a remonstrance to the House of Commons, stating their grievances and praying for redress. They also prepared and published a *Declaration of Rights*, in which they set forth the wrongs of which they complained, and the rights which they insisted upon. As exhibiting their true position in relation to the mother country at this stage of the controversy, it necessarily forms a part of our history.

Its proceedings.

DECLARATION OF RIGHTS BY THE COLONIAL CONGRESS.

“The members of this Congress, sincerely devoted with the warmest sentiments of affection and duty to his majesty’s person and government, inviolably attached to the present happy establishment of the *protestant succession*, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent, having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several acts of parliament. THEY DECLARE THEREFORE,—

Declaration of rights, Oct. 1765. Preamble.

“I. That his majesty’s subjects in these colonies, owe the same allegiance to the crown of Great Britain that is owing from his subjects born within the realm, and all due submission to that body, the parliament of Great Britain.

Nature of their allegiance to the crown.

“II. That his majesty’s liege subjects in these colonies are entitled to all the inherent rights and liberties

Their rights as subjects.

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- Declar- of his natural-born subjects within the kingdom of
ation of Great Britain.
rights.
- Consent "III. That it is inseparably essential to the freedom
necessary of a people, and the undoubted right of Englishmen,
to taxa- that no taxes be imposed on them but with their own
tion. consent, given personally or by their representatives.
- Represent- "IV. That the people of these colonies are not, and
ation in from their local circumstances cannot be, represented
parliament impracti- in the House of Commons in Great Britain.
cable.
- Constitu- "V. That the only representatives of these colonies
tional are persons chosen therein by themselves, and that no
taxes. taxes ever have been, or can be constitutionally, im-
posed upon them, but by their respective legislatures.
- Supplies to "VI. That all supplies to the crown being free gifts
the crown. from the people, it is unreasonable and inconsistent
with the principles and spirit of the British constitu-
tion, for the people of Great Britain to grant to his
majesty the property of the colonies.
- Trial by "VII. That trial by jury is the inherent and inval-
jury. uable right of every British subject in these colonies.
- Unconsti- "VIII. That the late act of parliament entitled
tutionality of the act. 'An Act for granting and applying certain Stamp
duties, and other duties, in the British colonies and
plantations in America,' &c.; imposing taxes on the
inhabitants of these colonies; and the said acts, extend-
ing the jurisdiction of courts of admiralty beyond
its ancient limits, have a manifest tendency to subvert
the rights and liberties of the colonists.
- Taxes im- "IX. That the duties imposed by several late acts
posed, bur- of parliament, from the peculiar circumstances of these
densome. colonies, will be extremely burdensome and grievous;
and from the scarcity of specie, the payment of them
absolutely impracticable.
- Profits of "X. That as the profits of the trade of these colo-
their trade nies ultimately centre in Great Britain, to pay for the
to Eng- manufactures which they are obliged to take from
land. thence, they eventually contribute very largely to all
supplies granted to the crown.

“XI. That the restrictions imposed by several late acts of parliament, on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain. Restrictions upon their trade.

“XII. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties, and an intercourse with Great Britain mutually affectionate and advantageous. Source of prosperity in the colonies.

“XIII. That it is the right of the British subjects in these colonies to petition the king, or either house of parliament. Right of petition.

“XIV. That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor, by a loyal and dutiful address to his majesty, and humble application to both houses of parliament, to procure the repeal of the act for granting and applying certain stamp duties; of all clauses of any other acts of parliament, whereby the jurisdiction of the admiralty is extended as aforesaid; and of the other late acts for the restriction of American commerce.” Their duty to procure a repeal of the Stamp Act, etc.

These proceedings were made public after the adjournment of the congress, were endorsed by the legislatures of the several colonies, and were generally commended and approved by the people. The spirit which had animated their deliberations was universally diffused throughout America, and in all parts of the country exhibited itself in various hostile expressions of their indignant sense of outrage. Publication of proceedings.

By its provisions the Stamp Act was to go into effect on the first of November. The agents appointed to receive the stamped paper and to enforce the collection of the stamp duties, were burned in effigy, their offices were demolished, and they were obliged to resign their agency or quit the country. Banners were everywhere displayed with the inscription, *liberty and property for-*

Popular demonstrations against the Stamp Act, 1765-6. *ever, and no stamps.* In Philadelphia, and other seaport towns, on the arrival of the Stamps, and at the date when the act was to take effect, the flags in the harbour were placed at half-mast, the bells were muffled and tolled during the day, and the citizens put on the habiliments of mourning. Like scenes were enacted in New York, in Virginia, in Maryland, and in the New England Colonies.

In Boston. In Boston the stamp distributor was hanged in effigy, his windows broken, his office destroyed, and the effigy taken down and burned with the fragments.* A paper was issued called *The Constitutional Courant*, with the device of a snake cut into eight pieces; the head bearing the initials N. E. for New England, and the other parts the initials of New York, New Jersey, Pennsylvania, Maryland, North and South Carolina, with the motto *join or die*. A handbill was also posted at the corners of the streets, and in all places of public resort, bearing the inscription in large capitals,

* Irving's
Washing-
ton.

“PRO PATRIA.

The first man that either distributes or makes use of stamped paper, let him take care of his house, person, and effects. WE DARE,

* Butler's
U. S. Win-
terbotham.

VOX POPULI.”*

In New York. “In New York, the act was printed and carried about the streets on a long pole, surmounted by a death's head, with a scroll inscribed, THE FOLLY OF ENGLAND AND RUIN OF AMERICA. Colden, the lieutenant governor, who acquired considerable odium by recommending to government the taxation of the colonies, the institution of hereditary assemblies, and other tory measures, seeing that a popular storm was rising, retired into the fort, taking with him the stamp papers, and garrisoned it with marines from a ship-of-war. The mob broke into his stable, drew out his chariot, put his effigy into it, paraded it through

the streets to the common, (now the park,) where they hung it on a gallows. In the evening it was taken down, and again put into the chariot with the devil for a companion, and escorted back by torch-light to the Bowling Green, where the whole pageant, chariot and all, were burnt under the very guns of the fort.”*

Popular demonstrations against the Stamp Act, 1765.

* Irving's Washington.

Mr. Jared Ingersoll of New Haven, Connecticut, was in London with Dr. Franklin, where he appeared as the agent of the colony to present their remonstrance against the passage of the Stamp Act. He returned to America after the passage of the act, with a commission appointing him to the office of stamp-master.

In Connecticut.

“Having accepted the place,” says Hollister, “Mr. Ingersoll was determined to discharge its duties. Still he sought to conciliate his fellow-townsmen at New Haven, who, for the most part, were opposed to the law.”

No one could doubt, at this day at least, that, in either effort, Mr. Ingersoll had undertaken a very perilous and difficult task, whatever may have been his motives in accepting the office. The boldness and courage with which he undertook to defend his position and enforce the law, in the face of a people who had committed to him the high and honorable post of personating their hostility to it before parliament, are certainly very remarkable.

“The act is so contrived,” he says to the enraged colonists, “as to make it for your interest to buy the stamps. When I undertook the office, I meant a service to you.” “Stop advertising your wares till they arrive safe at market,” said one.—“The two first letters of his name are those of a traitor of old,” shouted a second—and added bitterly, “it was decreed that our Saviour should suffer; but was it better for Judas Iscariot to betray him, so that the price of his blood might be saved by his friend?” At last the citizens gathered around his house in great numbers.—“Will

Mr. Ingersoll and the people.

Popular demonstrations against the Stamp Act, 1765-6. you resign?" was the pointed inquiry that they put to him. "I know not if I have the power to resign," answered the resolute man.

"On the seventeenth of September, a town meeting was held, and Ingersoll was called upon by a public vote to resign his office without delay.—'I shall await to see how the general assembly is inclined,' said the stamp master evasively."

In Connecticut.

Not being able to remain in New Haven, he determined to visit the general assembly, then in session at Hartford. Notwithstanding he was accompanied by his excellency, Governor Fitch, the presence of the chief magistrate of the colony did not deter the people from having their will in the matter. He was followed by a large concourse of citizens, who, when they arrived in the neighborhood of Wethersfield, were met by a cavalcade of five hundred freeholders and farmers; all well armed, not with carbines and steel blades, but with ponderous clubs,* who called upon him to resign his office of stamp master. On his remonstrating, the crowd replied, "It don't signify to parley; here are a great many people waiting, and you must resign."

* 2 Hollister's Hist. of Conn.

Ingersoll. "I wait to know the sense of the government. Besides, were I to resign, the governor has power to put in another."

The People. "*Here* is the sense of the government; and no man shall exercise your office."

Ingersoll. "What will follow if I won't resign?"

The People. "Your fate."

Ingersoll (calmly.) "I can die, and perhaps as well now as at any time. I can die but once."

Durkee (impatiently.) "Don't irritate the people."

Ingersoll. "I ask for leave to proceed to Hartford."

Durkee. "You shall not go two rods till you have resigned."

After some further parley, seeing that the people were in earnest and that there was no escape, Ingersoll

concluded that "the cause was not worth dying for," and placed his signature to the form of resignation prepared by the people for the occasion, as follows:

Popular demonstrations against the Stamp Act, 1765-6.

"WETHERSFIELD, September 19th, 1765.

"I do hereby promise that I never will receive any stamped papers which may arrive from Europe, in consequence of an act lately passed in the parliament of Great Britain; nor officiate as Stamp-Master, or Distributor of stamps, within the colony of Connecticut, either directly or indirectly. And I do hereby notify to all of the inhabitants of his majesty's colony of Connecticut, (notwithstanding the said office, or trust, has been committed to me,) not to apply to me, ever hereafter, for any stamped paper; *hereby declaring that I do resign the said office*; and execute *these presents* of my own *free will and accord*, without any equivocation or mental reservation. In witness whereof I have hereunto set my hand.

In Connecticut.

J. INGERSOLL."

"Swear to it," cried the people; to which request he declined to accede. "Then *shout liberty and property three times*," responded the crowd. At this, Ingersoll took off his hat and united with the joyous people in the shout for freedom. The governor, under similar demonstrations of opposition, afterwards followed the example of Ingersoll, and the Stamp act and stamped paper were universally condemned in Connecticut."*

* 2 Hollister's Hist. of Conn.

In *New Hampshire*, on the morning of the day on which the act was to go into effect, at sunrise, the bells began to toll. The people gathered as for a funeral procession. Eight persons bore upon their shoulders a coffin inscribed *Liberty*, which was supposed to contain her remains. Accompanied with the discharge of minute guns, the crowd moved slowly and mournfully towards the place of interment. When they came to the grave, a funeral oration was pronounced, and the coffin was lowered with deep solemnity into the vault

In New Hampshire.

Popular demonstrations against the Stamp Act, 1765-6. prepared for its reception, when, suddenly, signs of animation were discovered, the coffin was raised and inscribed *Liberty revived*. Shouts and acclamations, the cheerful sound of the trumpet, the noise of the fife and the drum, and the merry peal of the bells, announced the joyful event, and re-inspired the desponding heart of the people.*

* Butler's
U. States.

There is nothing so forcible, so powerfully expressive of the spirit which pervaded the colonies at this time, as these various modes in which it was manifested. There are none of the uses of language so significant. They were not the wild and incoherent ebullitions of a lawless mob, or an infuriated populace, for they were devised by men of character, station, and influence, and were everywhere conducted with decency and decorum. They were sober and rational indications of a sense of real, deep, felt oppression, and addressed themselves to the noblest and best sympathies of our nature. Meanwhile the colonies went on regularly in the transaction of business in their courts; and the people continued their daily avocations in all the departments of trade and commerce, printed and circulated their newspapers, and executed all needful conveyances of property; and the Congress at New York gave publicity to its proceedings; without using stamped paper, and as if no such act had been passed.

Business transacted without stamped paper.

Non-importation associations.

Associations for the non-importation of British manufactures were formed by the merchants of New York, to continue until the Stamp Act should be repealed. Their example was imitated by the merchants of Boston, of Philadelphia, of Baltimore, and other seaport towns. Committees were appointed by these several associations, in their respective localities, whose duty it was to inspect British cargoes, and to report those who traded in or purchased the articles prohibited; and the transgressors were censured not only, and avoided, but their names were also posted and published in the newspapers, and themselves proclaimed odious.*

* Bissett.

Articles of union were entered into between New York and Connecticut, in which they avowed their allegiance to the crown, and their strong attachment to the parent state. They declared that they had united for the sole purpose of defending themselves against the wrongs sought to be inflicted by parliament; they protested strongly against its enactments as aggressions upon their liberties, and seem not to have desired, or even thought of, a separation from the dominion of Great Britain. The colonies of Massachusetts Bay and New Hampshire soon united in the league. "At the suggestion of Samuel Adams of Boston, a committee of correspondence was appointed in Massachusetts Bay. Instantly every colony, nay every county, city, hundred, and town, upon the whole continent, adopted the measure, I had almost said, as if it had been a revelation from above, as the happiest means of cementing the union and acting in concert."*

Demonstrations against the Stamp Act, 1765-66. Colonial associations.

Committees of correspondence.

* Life of John Adams, vol. 4.

The swell of this mighty and united torrent of opposition spread across the Atlantic. At its tumultuous and prophetic murmur the throne trembled, the nation was convulsed, and the kingdom of Great Britain

Through all her gates gave signs of woe.

The check thus given to the commercial intercourse between the two countries, stopped the manufacturing establishments, and extensively embarrassed the operations of trade in England; while it threw thousands out of employment who were thus enlisted in favor of the repeal of the Stamp Act and the claims of America.

The effect of these demonstrations in England.

The first ominous symptom of a reaction in favor of the colonies in the public councils of the mother country, was the dismissal of Mr. Grenville from the head of the government, and the formation of a new cabinet. "Grenville," says Sir Horace Walpole "was a man great in daring and little in views; and was charmed to have an untrodden field before him of calculation

Change in the British cabinet.

Change in
the British
councils.

* Cited in
1 Irving's
Washing-
ton.

The new
cabinet.

and experiment.”* The change in the ministry was undoubtedly suggested by the conviction that the measures adopted were altogether too hazardous, and that the experiment had been pushed to a fearful crisis. The new administration felt that it was time to pause, to deliberate upon the consequences which might ensue upon their further prosecution. The aspect of things in America seemed to indicate that the only, perchance the last moment for conciliation had arrived. The weight of a feather in the scale of policy might sever forever the tie which bound the colonies to the mother country, and alienate irrecoverably their allegiance to the crown.

Dr. Frank-
lin before
the house
of com-
mons,
1765.

At this crisis Dr. Franklin, then in London, was called into the house of commons and examined before them with reference to the Stamp Act. He had appeared in London as one of the agents of the colonial congress and the bearer of their dispatches to the crown and parliament. Hence he was justly supposed to be well versed in American affairs, was summoned into parliament, and his responses had an oracular weight with those who listened to him. He was interrogated—

His exam-
ination on
the Stamp
Act.

“1. *Question*.—What was the temper of America towards Great Britain before the year 1763?” *Answer*.—

Feelings
towards
Great Brit-
ain before
its passage.

“The best in the world. They submitted willingly to the government of the crown, and paid, in all their courts, obedience to the acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons, or armies, to keep them in subjection. They were governed by this country at the expense only of a little pen, ink, and paper. They were led by a thread. They had not only respect, but an affection for Great Britain, for its laws, its customs, and manners; and even a fondness for its fashions that greatly increased the commerce. Natives of Great Britain were always treated with particular regard: To be an Old England man was, of itself, a

character of some respect, and gave a kind of rank among us."

"2. *Question*.—And what is their temper now?"

Answer.—"Oh! very much altered."

"3. *Question*.—If the act is not repealed, what do you think will be the consequences?" *Answer*.—"A ^{How altered by the Act.} total loss of the respect and affection the people of America bear to this country, and of all commerce that depends on that respect and affection."

"4. *Question*.—Do you think the people of America would submit to pay the stamp duty if it was moderate?" *Answer*.—"No, never, unless compelled by ^{The people will not pay the duty.} force of arms."

Neither the crown nor the new ministry dared venture further to trifle with the subject. The king in his address to parliament recommended conciliatory measures. Mr. William Pitt, Earl of Chatham, now the leader of the new administration, in moving the address, said—"My position is this; I repeat it, I will maintain it to my last hour; *taxation and representation are inseparable*; This position is founded on the laws of nature. It is more. It is itself an eternal law of nature. For whatever is a man's own, is absolutely his own, no man has a right to take it from him without his consent. Whoever attempts to do it, attempts an injury; whoever does it, commits robbery. *You have no right to tax America.* I rejoice that America has resisted. Three millions of our fellow subjects so lost to every sense of virtue, as tamely to give up their liberties, would be fit instruments to make slaves of the rest."

^{Speech of Mr. Pitt, upon the Stamp Act, 1766.}

^{He defends the position of the colonies}

He further insisted that taxation was no part of the governing power, but that taxes were the free gift and grant of the people alone, either by themselves or by their representatives. He closed his able and eloquent defence of the position taken by the colonies, by moving—"that the Stamp Act be repealed, absolutely, totally, and immediately; at the same time," he added, "let the sovereign authority of this country over the

^{He moves a repeal of the act.}

Repeal of the Stamp Act, March, 18, 1766. colonies, be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power, *except that of taking their money out of their own pockets without their consent.*" While the bill for repealing it was under deliberation, petitions were received from the merchants of the city of Bristol, from the merchants of Glasgow, from Edward Montague, agent for the colony of Virginia, and from the merchants of the city of London, in favor of the repeal, and read.* The new ministry generally coinciding in Mr. Pitt's sentiments, the Stamp Act was repealed.

* American Archives, vol. 1.

The repeal how received in America.

Though the attempt to enforce the circulation and use of stamped paper was so personal and at the same time so universal in its operation, that it aroused a fever of excitement which seemed to make the Stamp Act the one grand act of grievous and hostile legislation; yet in the more northern and commercial colonies the controversy embraced also the principle of parliamentary interference generally. In all of them, however, the intelligence of the repeal was received with unbounded applause. Bonfires, the booming of cannon, the illumination of public buildings and private residences, processions accompanied with bands of music, shouts, huzzas, and banners waving from conspicuous places, displaying on their ample area sentiments of freedom, everywhere testified the exultation of the people. Letters, addresses, and resolutions, emanating from their public functionaries, their primary assemblies, and their halls of legislation; sermons and public thanksgivings in their churches, all expressed their jubilant acknowledgments. The merchants and traders at once suppressed all their hostile measures. The colonies dissolved their retaliatory leagues, revived their commercial operations, and the inhabitants resumed their traffic in and use of articles of

British manufacture and importation. In a word, the whole American people, to use the expressive language of their own colonial Congress, "fell into their ancient state of unsuspecting confidence in the mother country." The repeal of the Stamp Act, how received in America.

In writing to a friend in England, Washington thus expressed himself: "The repeal of the Stamp Act, to whatever cause owing, ought much to be rejoiced at; for had the parliament of Great Britain resolved upon enforcing it, the consequences, I conceive, would have been more direful than is generally apprehended, both to the mother country and her colonies. All, therefore, who were instrumental in procuring the repeal, are entitled to the thanks of every British subject, and have mine cordially."* At another time he writes: "I cannot help observing that a contrary measure would have introduced very unhappy consequences. Those, therefore, who wisely foresaw such an event, and were instrumental in procuring the repeal of the act, are, in my opinion, deservedly entitled to the thanks of the well-wishers to Britain and her colonies, and must reflect with pleasure, that, through their means, many scenes of confusion and distress have been prevented. Mine they accordingly have, and always shall have for their opposition to any act of oppression; and *that act* could be looked upon in no other light by every person who would view it in its proper colours."* Opinion of Washington upon the repeal. * Sparks' Writings of Washington, vol. 2. * Ibid.

But the confidence and the joy of all who had thus hailed the repeal was but temporary. The commended wisdom even of the wise proved to be foolishness or willfulness. The branch cast into the bitter waters had no healing virtues. The Stamp Act was indeed repealed, and the intelligence of its repeal was indeed hailed with joy in America, but when the repealing act itself reached the colonies, it was found to be wholly unsatisfactory; as the closing part of Mr. Pitt's speech foreshadowed that any qualified repeal might be. The The repealing act, its preamble and declaratory clauses.

Reasons
given for
the repeal.

reasons given for the repeal, as stated in the preamble of the repealing act, were—"that the collecting the several duties and revenues, as by the said act was directed, would be attended with many inconveniences, and productive of consequences dangerous to the commercial interests of this kingdom." While in its declaratory provisions was the more obnoxious clause, "that the king, *with the consent of parliament*, had and of right ought to have full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and the people of America, subjects of the crown of Great Britain, *in all cases whatsoever*."

The defective mode of collecting the duties, the ground of the repeal.

Thus the mode of collecting the several duties and revenues, as directed by the provisions of the act, and not the wrong in which they originated, was given as the reason of its repeal. The commercial interests of Great Britain were set in direct opposition to the rights and freedom of the colonies, while the very power claimed by parliament, the exercise of which had rendered the Stamp Act itself so odious, was reasserted in the broadest and most comprehensive terms. Whatever policy may have prompted the ministry to make the king also a party to this assumption of parliamentary authority, it certainly was a measure which materially hazarded his own prerogatives of sovereignty in the colonies. It tended so, to interweave the question of colonial allegiance to the crown with the question of colonial submission to the parliament, that the two necessarily became blended in the controversy which thereafter ensued. Thus were sown the seeds which gave to that controversy a wider range of hostility, involving the sovereignty of Great Britain over America in the issue of the struggle. The door for it was soon opened.

Complicity of the controversy.

The pretended commercial policy of the repeal.

The specious pretense that the stamp act was repealed because the taxes imposed by it were laid *contrary to the true principles of commerce*, was a conces-

sion, the ultimate reach of which its authors had not either the coolness or the sagacity to foresee. As a motive for the repeal it amounted to nothing, and "never was believed," says Sir Edmund Burke, "by any man either in America, which it was meant to soothe; or in England, which it was meant to deceive."*

* Burke on
American
Taxation.

The repeal and the concession, whether so intended or not, were, virtually, a relinquishment of *the revenue system of taxation*, and of the claims upon which it was based; and would probably have terminated the hostility of the colonies but for these *declaratory provisions* of the act.

I do not feel disposed to indulge in that spirit of loose invective which many of our historians have manifested in speaking of the members of the British Cabinet, or of the prominent men in parliament, who, in one year or another of this period, guided and controlled the policy of the nation. It must be admitted that at the close of the French war, the relations which existed between England and her colonies in America were of necessity exceedingly complicated and embarrassing; while neither her people nor her public men knew much of the extent or resources of the American continent, the character of the American people, or the nature of their governments and institutions. Accredit to her statesmen and legislators the wisdom, forethought, and prudence, the integrity, virtue, and intelligence, which more than ordinarily belong to public functionaries, and it was still a difficult matter for them to know how to legislate wisely with reference to America. More than this, it was impossible. It was not in human wisdom to contrive any system of legislation, or policy of administration, which could stay the progress of the colonies towards independence. Such a result, under whatever form of parental discipline or oversight, under whatever degree of integrity or capacity of statesmanship, was inevitable. We have only to do with the causes which produced it, not so much

Complica-
tions of the
British
Cabinet.

with the men who were instrumental in developing those causes; and while, therefore, we note their measures, we care not to stigmatize with odious epithets either their motives or their characters.

The principle of parliamentary sovereignty to be enforced.

It was to be expected, and this was why the arrival of the repealing act in America produced so much alarm in the colonies, that the principle of parliamentary supremacy, now sheltered under the wing of kingly prerogative, and so boldly claimed, would be enforced.

The commercial system of taxation inaugurated, 1766-67.

It was still insisted that it was expedient to raise a revenue in America, but for what purpose it should be claimed, or in what manner it should be accomplished, seemed to be the difficulty. In order to be consistent with the preamble of the repealing act it was necessary for those who made the claim to devise some mode of levying the taxes, not "inconsistent with the true principles of commerce." The plan now proposed was claimed to be more according to commercial usage, though it was precisely the same thing in principle with the stamp act. Hence I have denominated it *the commercial system of taxation*.

This new system was inaugurated under the auspices of Sir Charles Townshend, now promoted to the office of Chancellor of the Exchequer, in the new ministry; to whom was entrusted the financial affairs of the government. In bringing it forward it was necessary to sustain the positions put forth in the declaratory provisions of the repealing act. The king and parliament must, seemingly at least, be united in the measure. Accordingly early in the following year, Mr. Townshend introduced a bill into the House of Commons with the anomalous recital:

"Whereas it is expedient that a revenue should be raised in *your majesty's dominions in America*, for making a more certain and adequate provision for defraying the charge of the administration of justice, and support of civil government, in such provinces where it shall be necessary, and towards further defraying the

expenses of defending, protecting, and securing the said dominions, therefore *the House of Commons do give and grant* unto your majesty," &c. The Bill imposed duties on "glass, paper, painters' colours, red lead, white lead, and teas, imported into America;" part of the proceeds of which were to be appropriated to the purposes specified in the preamble.

Act imposing duties on commercial importations, 1767.

This measure of course was regarded in America as equally unconstitutional with the stamp act, and revived with increased bitterness and boldness the indignation and resentment of all the colonies. It made them suspicious of the designs of the ministry, and they entered into the controversy thus renewed with a more determined and independent hostility. It was urged "the taxes are small." It was replied "the principle is the same, and we contend for the principle." Circulars, pamphlets, newspapers and periodicals, were published, setting forth in clear, distinct, and forcible relief, the rights of the colonies; and exposing with a master logic and skill, the odious doctrines which were concealed under the guise of *small taxes*. Never were the principles of constitutional freedom so clearly set forth, so luminously illustrated, or so ably advocated and defended as by the American statesmen, writers and legislators of that day, while "the justice of their reasoning was freely acknowledged by all liberal and unprejudiced minds in the mother country."*

Its reception and effect in America.

* Story.

The general language of the colonies was, "we are not permitted to import from any nation other than our parent state; and have been, in some cases, restrained by her from manufacturing for ourselves; and she claims a right to do so in every instance which is incompatible with her interests. To these restrictions we have hitherto submitted. But she now rises in her demands, and imposes duties on those commodities the purchasing of which elsewhere than at her market her law forbids, and the manufacturing of which for our own use, she may, any moment she pleases, restrain.

General sentiment of the colonies.

Reception in America of the act imposing duties on commercial importations, 1767. If her right is valid to lay *a small tax*, it is equally so to lay *a large one*, for, from the nature of the case, she must be guided exclusively by her own opinions of our ability, and of the propriety of the duties she may impose. Nothing is left for us but to complain or pay. We must abstain entirely from using those articles, which cannot be dispensed with, or we must pay a tax imposed without our consent."

Appeals to the crown, etc. They again, as before, addressed their petitions, remonstrances, and appeals to the crown, the parliament, and the people of England. But these produced no salutary impressions. Their appeals were suppressed, their petitions were unheeded, and their remonstrances were thrown under the table.

Restraining act or new mode adopted to enforce colonial submission. On the twenty-seventh day of May, parliament enacted "A bill for restraining the Assembly of New York from passing any act, until they have complied with the act of parliament for furnishing his majesty's troops with necessaries, required by said act." The act referred to was an act passed 1765, adding to *the mutiny act* a clause giving to the ministers unlimited power to send troops to America; and compelling the people to provide quarters for them; to furnish them with fuel, provisions, lights, etc.; so long as they should remain in the colonies. It was called the Quartering Act. Its enforcement being rendered unnecessary by a repeal of the stamp act, the hostility to it was thereby abated. But the revival of it, at this time and in this form, was adding insult to injustice. An attempt to force the colonial legislature to provide for the maintenance of an army quartered upon them to enforce at the point of the bayonet obedience to the revenue act.

How enforced. And how was this more recent enactment to be enforced? By a board of officers, appointed by the crown pursuant to an act passed June fifteenth, 1767, called "Commissioners for the customs and other duties in the British dominions in America, and for executing the laws relating to trade there." These commission-

ers were to be resident in America, with power to appoint agents in all of the colonies, wherever they might see fit, and to enforce obedience by directing the military to enter the colonial legislature and disperse its members, or stop legislation in some like summary manner.* Could the prerogatives of sovereignty be exercised in a more arbitrary way, or with a greater show of insolence and oppression?

The restraining act against New York, and its enforcement, 1767.

* 1 American Archives.

The effect generally produced by this ordinance of parliament, on its arrival in America, as well as the quick sympathy and unity of purpose which existed throughout the colonies, are well illustrated in a letter sent from the house of burgesses in the colony of Virginia to the general court of Massachusetts Bay, in reply to a circular address issued by the latter, which I shall presently notice. The letter reads:

“The act suspending the legislative power of New York we consider as still more alarming to the colonies, though it has that single province in view. If parliament can compel them to furnish a single article to the troops sent over, they may, *by the same rule*, oblige them to furnish clothes, arms, and every other necessary, even the pay of the officers and soldiers; a doctrine replete with every mischief, and utterly subversive of all that is dear and valuable. For what advantage can the people of the colonies derive from choosing their own representatives, if these representatives, when chosen, be not permitted to exercise their own judgments, be under a necessity—on pain of being deprived of their legislative authority—of enforcing the mandates of a British parliament.”

A voice from Virginia.

Massachusetts Bay, as I have said before, because of her extended commerce and her more spirited resistance to the collection of the revenues imposed by parliament, became the object of ministerial vengeance. And the officers and agents of the British government were here more numerous, and more active in enforcing their collection.

Restrain-
ing act
against
New York,
how re-
ceived in
America,
1767-68.

Hence early in the next year, her general court addressed a petition to the king and letters to several members of the administration party in England; and also prepared the circular address, above alluded to, and transmitted a copy of it to the speaker of the assembly of each of the several colonies. The sentiments contained in this circular were readily responded to throughout the country in the same tone with the above response from Virginia. It presents so just and comprehensive a view of the position assumed by all of the colonies, at this crisis, that I consider it due to the design of this work to insert it here at length. It proceeds:

Circular
address on
American
affairs by
the colony
of Massa-
chusetts
Bay, Feb.,
1768.

“SIR. *The House of Representatives of this Province*, have taken into their consideration the difficulties that must accrue to themselves and their constituents, by the operation of the several acts of parliament, imposing duties and taxes on the American colonies. As it is a subject in which every colony is deeply interested, they have no reason to doubt but your House is duly impressed with its importance, and that such constitutional measures will be come into as are proper. It seems to be necessary that all possible care should be taken that the representatives of the several assemblies, upon so delicate a point, should harmonize with each other. The House, therefore, hopes that this letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your, or any other House of Assembly on the continent.”

Motive of
the ad-
dress.

Constitu-
tional
rights of
the colo-
nies.

“*The House have humbly represented to the ministry their own sentiments; that his majesty’s high court of parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed: And, as the supreme legislative derives its power and authority from the constitution, it*

cannot overleap the bounds of it without destroying its foundation ; that the constitution ascertains and limits both sovereignty and allegiance ; and, therefore, his majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution. That it is an essential, unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable, by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his consent ; that the American subjects may therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of freemen and subjects, assert this natural and constitutional right.

Circular address to the colonies, by the colony of Mass. Bay, Feb. 1768.

Constitutional rights of the colonies.

"It is, moreover, their humble opinion, which they express with the greatest deference to the wisdom of parliament, that the acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights ; because, as they are not represented in the British parliament, his majesty's commons in Britain, by those acts, grant their property without their consent.

Infringed by parliament.

"This House are further of the opinion, that their constituents, considering their local circumstances, cannot by any possibility be represented in the parliament ; and that it will forever be impracticable that they should be equally represented there, and consequently not at all, being separated by an ocean of a thousand leagues ; that his majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the inalienable right of a representation. Also, that considering the utter impracticability of their ever being fully and equally represented in parliament, and the

Colonial representation in parliament impossible.

Parliamentary taxation preferable.

Circular address to the colonies by the colony of Mass. Bay, Feb. 1768. great expense that must unavoidably attend even a partial representation there, this house think, that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

“*Upon these principles, and also considering that* were the right in parliament ever so clear, yet, for obvious reasons, it would be beyond the rule of equity that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the acts of trade, this house have preferred a humble, dutiful, and loyal petition to our most gracious sovereign; and made such representations to his majesty’s ministers as they apprehend would tend to obtain redress. *They have also submitted* to his consideration, whether any people can be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expense? *And whether* while the judges of the land, and other civil officers, hold not their commissions during good behavior, their having salaries appointed for them by the crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject? *In addition to these measures* the House have written a letter to their agent, Mr. de Berdt, the sentiments of which he is directed to lay before the ministry; wherein they take notice of the hardships of the act for preventing mutiny and desertion, which requires the governor and council to provide enumerated articles for the king’s marching troops and the people to pay the expense: *And also* the commission of the gentlemen appointed commissioners of the customs to reside in America, which authorizes them to make as many appointments as they think fit,

Commercial taxation inequitable.

Interference of the crown with their government.

Hardships of the mutiny bill.

Commissioners of customs.

and to pay the appointees what sums they please, for whose mal-conduct they are not accountable; from whence it may happen that officers of the crown may be multiplied to such a degree as to become dangerous to the liberties of the people, by virtue of a commission which doth not appear to this House to derive any such advantages to trade as many have been led to expect.

Circular address on American affairs, by the colony of Mass. Bay, Feb. 1768.

"*These are the sentiments and procedure of this House, and as they have too much reason to believe that the enemies of the colonies have represented them to his majesty's ministers and the parliament as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his majesty and his ministers, with regard to the people of this province, and they doubt not of all the colonies, the charge is unjust. The House is fully satisfied that your assembly is too generous and enlarged in sentiment to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies. They freely submit their opinion to the judgment of others, and shall take it kind in your House to point out to them anything further that may be thought necessary.*"

Misrepresentations to the crown and parliament.

Spirit and design of this address.

"This House cannot conclude without expressing their firm confidence in the king, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance.

"Province of Massachusetts Bay, Feb. 11, 1768."

The effect of this circular address was, to produce a general union of the colonies in suspending the importation and use of all fabrics of British manufacture. The motto of their associations was the expressive sentiment, thenceforth sacred to all true Americans, UNITED WE CONQUER, DIVIDED WE DIE. This constitu-

Its effect.

General
union of
the colo-
nies in
non-importation,
1768-69.

tional mode of opposition to the measures of the ministry came to be pretty generally adopted in the northern and more commercial colonies, till at length it extended not only to British manufactures, but to the importation of all articles subject to taxation. In accordance with it such goods, on their arrival in this country, were at once reshipped to England.

In referring to these measures, in a letter addressed from Mount Vernon to Mr. George Mason while they were yet in active progress, Washington thus expresses himself:—"At a time, when our lordly masters in Great Britain will be satisfied with nothing less than the deprivation of American freedom, it seems highly necessary that something should be done to avert the stroke, and maintain the liberty which we have derived from our ancestors. But the manner of doing it, to answer the purpose effectually, is the point in question.

Washington on the
times, and
measures
of resistance,
April,
1769.

"That no man should scruple, or hesitate a moment, to use arms in defence of so valuable a blessing, is clearly my opinion. Yet arms, I would beg leave to add, should be the last resource, the *dernier resort*. We have already, it is said, proved the inefficacy of addresses to the throne, and remonstrances to parliament. How far, then, their attention to our rights and privileges is to be awakened or alarmed, by starving their trade and manufactures, remains to be tried. The northern colonies, it appears, are endeavoring to adopt this scheme.

"In my opinion it is a good one, and must be attended with salutary effects, provided it can be carried pretty generally into execution. But to what extent it is practicable to do so, I will not take upon me to determine. That there will be a difficulty attending the execution of it everywhere, from clashing interests, and selfish, designing men, ever attentive to their own gain, and watchful of every turn that can assist their lucrative views, cannot be denied; and in the tobacco colo-

nies, where the trade is so diffused, and in a manner wholly conducted by factors for their principals at home (in England,) these difficulties are certainly enhanced, but I think not insurmountably increased, if the gentlemen in their several counties will be at some pains to explain matters to the people, and stimulate them to cordial agreements to purchase none but certain enumerated articles, out of any of the stores, after a definite period, and neither import nor purchase any themselves. This, if it should not effectually withdraw the factors from their importations, would at least make them extremely cautious in doing it, as the prohibited goods could be vended to none but the non-associators, or those who would pay no regard to their association; both of whom ought to be stigmatized, and made the objects of public reproach.

“The more I consider a scheme of this sort, the more ardently I wish success to it, because I think there are private as well as public advantages to result from it, the former certain, however precarious the other may prove. In respect to the latter, I have always thought, that by virtue of the same power which assumes the right of taxation, the parliament may attempt at least to restrain our manufactures, especially those of a public nature, the same equity and justice prevailing in the one case as in the other, it being no greater hardship to forbid my manufacturing, than it is to order me to buy goods loaded with duties for the express purpose of raising a revenue. But as a measure of this sort would be an additional exertion of arbitrary power, we cannot be placed in a worse condition, I think, by putting it to the test.

“On the other hand, that the colonies are considerably indebted to Great Britain, is a truth universally acknowledged. That many families are reduced almost, if not quite, to penury and want by the low ebb of their fortunes, and that estates are daily selling for the discharge of debts, the public papers furnish too many

General union of the colonies in non-importation, 1768-69.

Washington on the times and measures of resistance, 1769.

Parliamentary taxation.

General
union of
the colo-
nies in
non-impor-
tation,
1768-69.

Washing-
ton was of
this class.

Washing-
ton on the
times and
measures
of resist-
ance, 1769.

He com-
mends the
scheme of
non-impor-
tation.

melancholy proofs.' That a scheme of this sort will contribute, more effectually than any other that can be devised, to extricate the country from the distress it at present labours under, I most firmly believe, if it can be generally adopted. And I can see but one class of people, the merchants excepted, who will not, or ought not, to wish well to the scheme, namely, they who live genteelly and hospitably on clear estates. Such as these* were they not to consider the valuable object in view, and the good of others, might think it hard to be curtailed in their living and enjoyments. As to the penurious man, he would thereby save his money and his credit, having the best plea for doing that, which before, perhaps, he had the most violent struggles to refrain from doing. The extravagant and expensive man has the same good plea to retrench his expenses. He would be furnished with a pretext to live within bounds, and embrace it. Prudence dictated economy before, but his resolution was too weak to put it in practice. 'For how can I,' says he, 'who have lived in such and such a manner, change my method? I am ashamed to do it, and, besides, such an alteration in the system of my living will create suspicions of the decay of my fortune, and such a thought the world must not harbour.' He continues his course, till at last his estate comes to an end, a sale of it being the consequence of his perseverance in error. And in respect to the needy man, he is only left in the same situation he was found in, better, I may say, because, as he judges from comparison, his condition is amended in proportion as it approaches nearer to those above him.

"Upon the whole, therefore, I think the scheme a good one, and that it ought to be tried here, with such alterations as our circumstances render absolutely necessary. But in what manner to begin the work, is a matter worthy of consideration. Whether it can be attempted with propriety or efficacy, further than a communication of sentiments to one another, before

May, when the Court and Assembly will meet at Williamsburg, and a uniform plan can be concerted, and sent into the different counties to operate at the same time and in the same manner everywhere, is a thing upon which I am somewhat in doubt; and I should be glad to know your opinion. I am, &c.”*

General union of the colonies in non-importation, 1768-69.

This letter was addressed to one of the most distinguished and leading men of the colony of Virginia. The correspondence is an exceedingly interesting and important one, as showing the condition of affairs in America, and the opinions of the best minds in the country respecting them. Mr. Mason replied, on the same day, as follows: “I entirely agree with you, that no regular plan of the sort proposed can be entered into here, before the meeting of the General Court at least, if not of the Assembly. In the mean time it may be necessary to publish something preparatory to it in our gazettes, to warn the people of the impending danger, and induce them the more readily and cheerfully to concur in the proper measures to avert it; and something of this sort I had begun, but am luckily stopped by a disorder which affects my head and eyes. As soon as I am able, I shall resume it, and then write you more fully or endeavor to see you. In the mean time pray commit to writing such points as may occur.

Opinion of George Mason, in reply to Washington, 1769.

“Our all is at stake, and the little conveniences and comforts of life, when set in competition with our liberty, ought to be rejected, not with reluctance, but with pleasure. Yet it is plain that in the tobacco colonies, we cannot, at present, confine our importations within such narrow bounds, as the northern colonies. A plan of this kind, to be practicable, must be adapted to our circumstances; for if not steadily executed, it better have remained unattempted. We may retrench all manner of superfluities, finery of all descriptions, and confine ourselves to linens, woollens, &c., not exceeding a certain price. It is amazing how much this practice, if adopted in all the colonies, would lessen the

*2 Sparks' Writings of Washington.

General union of the colonies in non-importation, 1768-69.

American imports, and distress the various traders and manufacturers in Great Britain.

"This would awaken their attention. They would see, they would feel, the oppressions we groan under, and exert themselves to procure us redress. This once obtained, we should no longer discontinue our importations, confining ourselves still not to import any article that should hereafter be taxed by act of parliament for raising a revenue in America; for however singular I may be in my opinion I am thoroughly convinced, that, justice and harmony happily restored, *it is not the interest of these colonies to refuse British manufactures.*

Opinion of George Mason, in reply to Washington, 1769.

Our supplying our mother country with gross materials, and taking her manufactures in return, is the true chain of connexion between us. These are the bands which, if not broken by oppression, must long hold us together, by maintaining a constant reciprocation of interest. Proper caution should, therefore, be used in drawing up the proposed plan of association. It may not be unwise to let the ministry understand, that, until we obtain a redress of grievances, we will withhold from them our commodities, and particularly refrain from making tobacco; *by which the revenue would lose fifty times more than all their oppressions could raise here.*

Non-exportation suggested, as an additional retaliatory measure.

* 2 Spark's writings of Washington, note.

"Had the hint, which I have given with regard to the taxation of goods imported into America, been thought of by our merchants before the repeal of the Stamp Act, the late American revenue acts would probably never have been attempted."*

Proceedings in Virginia, May, 1769.

The assembly of Virginia met in the month of May, and passed a series of very strong resolutions touching the rights of the colonies. This so alarmed governor Botetourt, then but recently arrived in the colony, that he dissolved the assembly. The burgesses, immediately after their dispersion from the public hall, re-assembled at a private house in Williamsburg, appointed a moderator, and assented unanimously to a non-importation agreement, which was signed by every member

present, and circulated for signatures throughout the colony.

These articles of association, as they were called, were drafted by Mr. Mason, and by him entrusted to Washington, who was then a member of the house of burgesses and procured their adoption by the assembly. They embodied substantially the views and plans set forth in the foregoing correspondence between them. In writing afterwards to London, for supplies for his plantation, Mr. Mason says to his correspondent—“You will perceive, in looking over the several invoices, that some of the goods there required, are upon condition that the act of parliament imposing a duty on tea, paper, etc., for the purpose of raising a revenue in America, *is totally repealed*: and I beg the favor of you to be governed strictly thereby, as it will not be in my power to receive any articles contrary to our non-importation agreement, which I have subscribed, and shall religiously adhere to, and should if it were, as I could wish it to be, ten times as strict.”*

Order for goods subsequently sent to London by Mr. Mason.

* 2 Spark's writings of Washington, note.

This system of retaliation and resistance, as we have observed, was adopted by the northern colonies soon after the passage of the duty act was known in America, and had already produced great excitement and alarm among the traders and merchants in England. The plan being also adopted in the southern colonies, after the example of Virginia, only added to the disastrous consequences. Before the proceedings in Virginia were known in England, however, and while such was the aspect of affairs in America, Lord Hillsborough, the then secretary of state for the colonies, prepared his celebrated public circular letter, a copy of which he inclosed to governor Botetourt, in which he said—

Lord Hillsborough's circular letter to the colonies, May 13, 1769.

“I can take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that his majesty's present administration have at no time entertained a design to propose to

Private letter to Gov. Botetourt of Va.

Lord Hills-
borough's
circular
letter,
1769.

Duties to
be taken
off.

parliament *to lay any further taxes* upon America for the purpose of raising a revenue, and that it is at present their intention to propose, the next session of parliament, to take off the duties upon glass, paper, and colors, upon consideration of such duties *having been laid contrary to the true principles of commerce.*

"These have always been, and still are, the sentiments of his majesty's servants; and by which their conduct in respect to America has been governed. And his majesty relies upon your prudence and fidelity for such an explanation of his measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies; and to re-establish that mutual confidence and affection upon which the glory and safety of the British empire depend."*

* 1 Am.
Archives.

Governor
Bote-
tourt com-
municates
it to the
assembly.

In communicating the sentiments and assurances of this letter to the general assembly, governor Botetourt said—"It may be objected that, as his majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present ministry shall have attempted to perform; and to that objection I can give but this answer, that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I forever to abide by it, that I will be content to be declared infamous, if I do not to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be, legally invested, in order to obtain and maintain for the continent of America that satisfaction which I have been authorized to promise this day by the confidential servants of our gracious sovereign, who, to my certain knowledge, rates his honor so high, that he would rather part with his crown than preserve it by deceit."

Such assurances, emanating from so distinguished a

source, were confided in by the people of Virginia, and for a while produced a partial relaxation of their hostile measures. In the northern colonies the assurances contained in the circular letter of Lord Hillsborough were regarded with some degree of satisfaction, but not being so fully endorsed by the agents of the crown there, as by the governor of Virginia, they were received with more characteristic caution. It was not enough for them to be told that "it was the *design* of the ministry to propose to parliament to lay no further taxes upon America for the purpose of raising a revenue," and "to take off the duties on certain specified articles," while they still retained them on others. The right claimed by parliament to lay any tax upon them without their consent, was the basis of their opposition to all these enactments. The idea of retaining any part of the duties imposed was abhorrent to their notions of justice, and they chose rather to wait the action of the ministry and of parliament, before they abandoned their hostile attitude.

Effect of Lord Hillsborough's circular letter in America.

The true ground of dissatisfaction.

Meanwhile the compact of non-importation which they had formed, was producing its legitimate fruits of suffering and embarrassment among the manufacturers and merchants in England, and united those classes in endeavoring to procure a repeal of the new duty act. The home-opposition thus arrayed against the measure was too powerful to be disregarded, while the proceedings in America were becoming more and more decidedly hostile and alarming. In March following, the "proposed design" was developed by the introduction of a bill into parliament by Lord North, now the leader of the administration party, repealing part of the taxes imposed by the recent commercial act, leaving only an impost of *three pence per pound upon tea*.

Effect of non-importation in England.

Repeal of the duty act of 1767, March, 1770.

Such was the shifting and shallow policy of the government of Great Britain toward her colonies in America. "Under one administration," in the lan-

Reservation on the repeal.

Junius, on administration measures. guage of Junius, "the Stamp Act is made, under the second it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived which ought to have been buried in oblivion. In these circumstances a new office is established for the business of the plantations, and the Earl of Hillsborough called forth, at a most critical season, to govern America."

The new mode of taxing the colonies here referred to, is that which I have denominated the *commercial system of taxation*. The new office established was that of Secretary of State for the colonies, in which Lord Hillsborough was made the incumbent. The repeal of the new revenue act was recommended by him, and made *upon consideration that the former duties were laid contrary to the true principles of commerce*.

* Junius' Letters.

"The Earl of Hillsborough," says Junius again,* "was a man of superior capacity and knowledge. As for his measures, let it be remembered that he was called upon to conciliate and unite; and that when he entered into office, the most refractory of the colonies were still disposed to proceed by the constitutional methods of petition and remonstrance. Since that period they have been driven into excesses little short of rebellion. Petitions have been hindered from reaching the throne, and the continuance of one of the principal assemblies rested upon an arbitrary condition,† which, considering the temper they were in, it was impossible they should comply with; and which would have availed nothing as to the general question, if it had been complied with. While we are at peace with other nations, our military force may, perhaps, be spared to support the Earl of Hillsborough's measures in America. Whenever that force shall be necessarily withdrawn or dismissed, the dismissal of such a minister will neither console us for his imprudence, nor remove the settled resentment of a people, who, complaining of an act of the legislature, are outraged by

† The restraining act against New York.

an unwarrantable stretch of prerogative ; and, supporting their claims by argument, are insulted with declamation."

But what was this so much vaunted idea of "taxa-^{The reservation on the repeal of the duty act of 1767.} tion according to the true principles of commerce"? The imposition of duties was repealed upon the articles of paper, paints, red lead, white lead and glass, which were all articles of British manufacture ; and continued upon tea alone, which was not an article of British growth or manufacture, but a product of commercial importation. This is the first practical and exclusive illustration we have of this distinctive principle of commercial taxation. Wherein then does it differ from the other? Could the mere fact that the duty is laid upon a product of trade make it any more constitutionally proper to exact it without the consent of the colonies? It was indeed aptly characterized by Sir Edmund Burke,* as "a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for anything but benefit to the imposers, or satisfaction to the subject."

* 1 Burke's Works.

Such, however, was the limit to the repeal, and such the reservation upon which the right of parliamentary taxation was still upheld. The first effect of the repeal in America, was to revive the commercial intercourse between the two countries in all the other articles specified, except tea. This article still came within the restrictions of their compact of non-importation, and continued to be with them a contraband. Meanwhile their trade with the mother country was extensively renewed, quiet was to a great extent restored, while the principles of constitutional liberty were more dispassionately considered by all parties in America. The people became more generally informed of their rights, and the colonies began to understand their true position and relations with the parent state. A careful investigation of their foreign relations discovered to them the injustice of many parliamentary restrictions

First effect of the repeal in America, 1770-72.

Growth of a more general dissatisfaction.

The reserved
duty of 3d.
per lb. on
tea.

* Winter-
botham,
Burke,
Bissett.

Opposition
to it in
Mass. Bay.

The bond
of union
between
the two
countries.

to which they had hitherto submitted without complaint, while they found that, as a people, they had contributed, and were now annually contributing, more towards the support of the government and the people of England, than her own home-resident subjects.* They therefore watched with a more inquisitive anxiety the operations of the British cabinet. Under these circumstances it required a prudent and cautious administration of colonial affairs to preserve the conciliatory spirit which prevailed in America upon the repealing act. Had such been the real character of the measures adopted, the discontent and dissatisfaction which had heretofore involved them in so rude a controversy with the parent state might entirely, and perhaps forever, have subsided. Though the people were generally opposed to the tea duties, yet the article continued to circulate in the commercial market of the southern and middle colonies, and was gradually working its way into Pennsylvania, New York, and New England, except only in Massachusetts Bay. Here, indeed, was the last lingering sentiment of opposition to this miserable remnant of the revenue policy, this vaunted commercial system of taxation, the duty of *three-pence per pound upon tea*.

In Massachusetts Bay concentrated all the activity and enterprise of the New England merchants. Her commercial marine was floating in nearly all the ports of America and the mother country; and her trade alone constituted much of the riches of the colonies, and the revenues of England.

Mr. George Mason well remarked, in his letter to Washington, in speaking of the commerce between the two countries, that "it was the true chain of connection and bond of union between them, which, if not broken by oppression, must long hold them together." It was so. In all the essentials of free governments and free institutions, the colonies were even now independent of the mother country, and were kept in their

allegiance to her sovereignty by only two bonds; the one was a fraternal and political, the other a commercial affinity. The former was in no danger of being ruptured while the latter was preserved in its integrity. Hence in the regulation of the latter lay the source and strength of that power which was to continue or terminate the former. Thus the commercial system of taxation under which the revenue policy of the administration had now sheltered itself, became the inevitable cause of the separation of her American colonies from the sovereignty of Great Britain. The principle of taxation embodied in the simple duty of *three-pence per pound upon tea*, firmly and to the last resisted by the colony of Massachusetts Bay, involved the administration in a train of legislative shifts and contrivances, the results of which could not be otherwise than disastrous.

The integrity of the commercial bond, the guarantee of stability to the parent state.

The tea duty in Mass. Bay, 1770-73.

A period, however, of nearly two years of comparative tranquillity intervened upon this repeal, and any further ministerial measures to carry out this new system of commercial taxation. In America no serious disturbances had taken place, except from occasional stretches of the kingly prerogatives, which were local in their operation, being mostly confined to the colony of Massachusetts Bay, where they met with a successful resistance without becoming matter of more general interest. Yet we find even these grievances hereafter enumerated in the catalogue of oppressions which inflamed the resentments of the people, and fired their opposition to other more general and more flagrant infringements of their liberties. They were but the accumulating links in the great chain of causes which were all along uniting the colonies in sympathy, interest, and fraternity, and preparing them for that independence which was sure to be their destiny whether they courted it or not.

General aspect of affairs in the colonies, 1770-73.

The duty of three-pence per pound upon tea was still operative, and yet the manner in which the article

The East India Company empowered to import teas into America without paying duties in England, May, 1773.

was introduced into the ports of America was not regarded as particularly oppressive, though the justice of the principle upon which the tax was claimed had not been conceded. It needed, nevertheless, but little to revive the controversy in all its activity throughout the length and breadth of the land. This little was soon furnished by the ministry of Great Britain, in a bill providing for "An act to allow a drawback of duties on the exportation of tea to any of his majesty's colonies or plantations in America; to increase the deposit on Bohea tea to be sold at the East India Company's sales rooms; and to empower the commissioners of the treasury to grant licenses to the East India

* 1 American Archives, 27.

Company to import it into England duty free,"* whence it was exported to America. The promulgation of this scheme, whereby heavy penalties were provided for enforcing the collection of the duty in the colonies, was the parent of that lasting discord which terminated only in their severance from all dependence on the crown of England.

Arrival of the Company's teas at Boston, Nov. 1773.

Under the provisions of this act, immense quantities of tea were stored by the company in London, to be thence sent to America. A cargo destined for the port of Boston in Massachusetts Bay, was shipped in the fall of the same year; advices of the shipment of which had been previously transmitted to the consignees of the company, and rumored among the people. On the arrival of the vessels containing it, while they were yet entering the harbor, a town meeting was held, and a committee was appointed to wait on the consignees of the shipment, and persuade them to give the captains the proper discharges and send the teas back to England, which they declined doing. At a subsequent meeting, held in Fanueil Hall, on receiving the report of this committee, a resolution was moved "that the tea should not be landed, that no duty should be paid, and that it should be sent back in the same bottoms."

A town meeting called in relation to it.

Motion that the tea shall not be landed.

While this motion was pending, Mr. Quincy arose and addressed the meeting in a strain of eloquence truly thrilling and prophetic. "It is not," said he, "Mr. Moderator, it is not the spirit which vapours in these walls that must stand us instead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Whoever supposes that shouts and hosannas will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend, we must be equally ignorant of the power of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosoms, to hope that we shall end this controversy without the *sharpest* conflicts. It is idle to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapour, will vanquish our foes. Let us consider the issue, let us look to the end. Let us weigh and consider, before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

Speech of
Mr. Quincy
on the
motion.

This brief address shows how deeply, and how seriously, the ruling spirits of that day had revolved the aspect of affairs throughout the country. The motion was put, after Mr. Quincy sat down, and the resolution passed without a dissenting voice.

Motion
carried
against
landing the
tea.

The consignees of the cargo of teas having declined to procure a discharge of the vessels, the committee appointed for that purpose, called on Mr. Roche, the owner, and required him to demand at the custom-house a clearance for England, which he did on the fifteenth of December, but the collector and comptroller refused to grant it. He was then required to procure a permit from the Naval Officer to pass the castle; which being refused he was sent to Governor Hutchinson to obtain a permit from him, which the gov-

Negotia-
tions with
the con-
signees to
re-ship to
England,
1773.

Destruction of the East India Co's shipment to Boston, Dec. 1773.

ernor informed him he could not give unless he first procured a regular clearance from the custom-house. Mr. Roche thereupon reported to the meeting the same evening. At the same time it was reported that the governor and consignees intended to land the teas privately. Whereupon numbers of the people shouted "a mob! a mob!" The crowd then left the hall, and repaired to the wharves, where three of the vessels lay aground. A large concourse of citizens also repaired to the spot. Meanwhile several persons, habited in the guise of Mohawk Indians, went on board of the ships, and in about two hours discharged the whole cargo, consisting of three hundred and forty chests of tea, into the sea. "Many persons of consideration in the town of Boston, took the lead," says Hutchinson, "in the proceedings of this meeting."*

* See Hutchinson's Letter, vol. 1, American Archives. Shipments to New York, etc.

The shipments of the East India Company to New York and Philadelphia, were not permitted to be landed. Those to Charleston, and other ports in the colony of South Carolina, were landed but not allowed to be sold; they were stored in damp places where they became damaged and were lost to the company.

Massachusetts Bay the seat of the conflict with parliament.

The province of Massachusetts Bay, however, was the great emporium of commerce in the colonies, and the resistance offered in her ports, and particularly in Boston, to the importations of the East India Company, under the late act, assumed a more violent character than elsewhere, and the enactments of parliament were now more directly aimed at her subjugation. In reply to a speech made to her assembly by the governor, the

Declaration of her state council.

Council of State declared, that "they are of opinion that the Parliament cannot, constitutionally, levy taxes, in any form, on his majesty's subjects in this province."

Of her house of representatives.

The House of Representatives at the same time declared, "if there has been, in any late instances, a submission to acts of parliament, it has been, in the opinion of this house, rather from inconsideration, or reluctance at the idea of contending with the parent state, than from a con-

viction, or acknowledgment, of the supreme legislative authority of parliament.”

“The committee of correspondence in this province,” says the governor, writing to the Earl of Dartmouth, on the fourth of the month, “appear to have used their utmost endeavors to work up the minds of the people, not only of their own, but also of the southern governments, to prevent the importation of teas from the East India Company; and accordingly on the third of November, 1773, a mob of about five hundred persons committed several outrageous acts of violence against the persons to whom it was expected the tea in question would be consigned, insisting that they should engage and promise not to receive or sell it; that if they did they would be voted enemies to their country, and must expect to be treated as such thereafter.”*

The committee of correspondence.

Governor Hutchinson on “the Boston outrage,” 1773.

* 1 American Archives.

On the fourth of March following, the Earl of Dartmouth informed the House of Lords “that his majesty had given directions that certain papers received from America, relating to the disturbances there, with regard to the importation of tea, should be laid before the House; and that the same would be delivered on Monday then next.” At the same time he informed them that he had a message from his majesty, under his royal sign manual, which his majesty had commanded him to deliver to the House; which was accordingly read by the Lord Chancellor as follows, viz.—

Proceedings in parliament. House of Lords, 1774.

“GEORGE R.

“His majesty, upon information of the unwarrantable practices which have been lately concerted and carried on in North America, and particularly of the violent and outrageous proceedings at the town of Boston, in the province of Massachusetts Bay, with a view of obstructing the commerce of this kingdom; and upon grounds and pretences immediately subversive of the constitution thereof, have thought fit to lay the whole

Message of the king to parliament, 1774.

Proceed-
ings in par-
liament,
1774.

matter before his two Houses of Parliament, fully con-
fiding as well in their zeal for the maintenance of his
majesty's authority, as in their attachment to the com-
mon interest and welfare of all his dominions, that they
will not only enable his majesty effectually to take such
measures as may be most likely to put an immediate
stop to the present disorders, but will also take into
their most serious consideration what further regula-
tions and permanent provisions may be necessary to be
established, for better securing the execution of the
laws, and the just dependence of the colonies upon the
crown and parliament of Great Britain. G. R."

In the
House of
Commons;
vote of
thanks to
the king.

Copies of the same message and papers, were also
presented by Lord North to the House of Commons on
the seventh day of the same month. Whereupon a
vote of thanks was proposed to his majesty for his mes-
sage and the accompanying documents, containing
assurances that "the House would not fail to exert
every means in their power, in effectually providing for
objects so important to the general welfare, as main-
taining the due execution of the laws, and securing
the just dependence of his majesty's colonies upon the
crown and parliament of Great Britain."

Debate in
the House
of Com-
mons.

This motion was debated with considerable warmth
and spirit, setting forth the great necessity which ex-
isted "for vindicating the controlling right of the Brit-
ish legislature over the colonies." Reference was made
by the ministry, to the condition of affairs in the pro-
vince of Massachusetts Bay, and it was urged "that all
the powers of government in that province were found
insufficient to prevent the most violent outrages. That
the loyal and peaceable people of a mercantile town (as
they affected to be peculiarly considered) had given a

"The Bos-
ton out-
rage," in-
excusable
and inde-
fensible.

noble proof to the world, of their justice, moderation,
loyalty, and affection for the mother country, by wan-
tonly committing to the waves a valuable commodity,
the property of another loyal mercantile body of sub-

jects, without the pretense of necessity, even supposing that their opposition to the payment of the duties could justify such a plea, as they had nothing to do but to adhere to their own resolutions of non-consumption, effectually to evade the revenue laws.”*

Proceedings in the House of Commons on “the Boston outrage,” March, 1774.

It was also further urged, “that no person employed by government, could in any act, however common or legal, fulfill the duties of his office or station in America, without its being immediately exclaimed against by the licentious, as an infringement of their liberties; that it was the settled opinion of some of the wisest men, both in England and America, and the best acquainted with the affairs of the colonies, that in their present state of government, no measures whatsoever could be pursued that would, in any degree, remedy those glaring evils, which were every day growing to a more enormous and dangerous height. That parliament, and parliament only, were capable of re-establishing tranquillity among those turbulent people, and of bringing order out of confusion. And that it was therefore incumbent on every member to weigh and consider, with an intention suitable to the great importance of the subject, the purport of the papers before them, and totally laying all prejudices aside, to form his opinion upon the measures most eligible to be pursued, *for supporting the supreme legislative authority, the dignity of Parliament, and the great interests of the British Empire.*”*

Supremacy of parliament insisted upon.

Such was the language of the ministerial party on presentation of the colonial budget to parliament. Besides this, in order to enlist the sympathies of the mercantile community in their measures, “all the public papers were systematically filled with writings on the subject, referring to the misconduct of the colonies in the strongest colours, and, in particular, arguing the impossibility of the future existence of any trade to America, if this *flagrant outrage on commerce* should go unpunished.”*

* 1 American Archives.

Motion for an address to the king in the House of Commons, 1774. Thus the ministry succeeded in raising a powerful spirit of indignation against the American people both within and out of parliament; and thus matters stood in parliament, and before the people of England, while the proposed motion for an address to the king was under discussion, was agreed to, and directed to be presented to his majesty by such members of the house as were of his privy council.

Subsequent proceedings. Speech of Lord North. After the passage of this motion, the message of his majesty and the papers accompanying it, being under consideration, Lord North rose, and after remarking at some length upon the disturbances in Massachusetts Bay, and in the colonies generally, he observed "That Boston had been the ringleader in all riots, and had, at all times, shown a desire of seeing the execution of the laws of Great Britain attempted in vain, in the colony of Massachusetts Bay. That the act of the mob in destroying the tea, and other proceedings, belonged to the act of the public meeting, and that though other colonies were peaceable and well inclined towards the trade of this country, and the tea would have been landed at New York without any opposition, yet when the news came from Boston that the tea was destroyed, governor Tryon, from the advice of the people, thought that, the face of things being changed since that account was sent, it would be more prudent to send the tea back to England, than to risk the landing of it. His lordship observed further, that Boston alone was to blame, for having set this example, therefore Boston ought to be *the principal object of our attention for punishment.*"

Boston to be made an example of.

Spirit of independence in Boston to be put down.

His Lordship further observed,—“that at Boston we were considered as two independent states; but we were no longer to dispute between legislation and taxation; we were now to consider only *whether or not we have any authority there*; that it is very clear we have none, if we suffer the property of our subjects to be destroyed. He hoped all would agree with him,

both peers, members, and merchants, to proceed unanimously to punish such parts of America as denied the authority of this country. We must punish, control, or yield to them," said he; "and I therefore move that leave be given to bring in a bill for the immediate removal of the officers concerned in the collection and management of his majesty's duties and customs from the town of Boston, in the province of Massachusetts Bay, in North America; and to discontinue the landing and discharging, lading and shipping of goods, wares, and merchandise, at the said town of Boston, or within the harbour thereof."

Lord North proposes to close the port of Boston, 1774.

This proposition was received with perfect silence, which lasted for several minutes after Lord North resumed his seat. *Mr. Grosvenor* then got up to second the motion, and condemned very much the proceedings of Boston, and said they were all entirely owing to the repeal of the Stamp Act.

The proposition, how received.

Governor Johnstone desired to know, if it was to be left to the crown to say to what part of America the custom-house should be removed?

Debate upon.

Lord North replied, that a clause was intended to be inserted in the bill to leave that matter to the crown.

Mr. Dempster observed, that should an indemnification to the East India company take place as was to be proposed in the bill, by way of tax, it would be collected over America, and thereby injure the property of people who had been entirely innocent of this affair, that when he spoke formerly so much about taxation in general, he meant not as to the right, which we had, but only as to the prudence and policy of the measure.

Mr. Sawbridge rose to speak, but being annoyed by cries of "question, question," he sat down, saying "he would wait till gentlemen had done coughing, and the house had done calling for the question. That though he could not be heard now, he should sit coolly till he could." The house being little silent, he rose again and said, "he always gave his genuine opinion, and he

Mr. Sawbridge opposes the motion and is interrupted.

The Boston port bill proposed and debated in the house of commons, 1774.

was now, and always had been, of the opinion, that this country had no right to tax America; that it might be said by some people here that America was not represented; that if this country had a right to take a single shilling out of an American's pocket, they have a right to take the whole." He then sat down a second time, the house being noisy, and said "he thought though he could not be allowed to speak long, he could sit long; and observed that this destruction of the tea was entirely done by the mob unarmed; and that if a requisition was to be sent to Boston to make satisfaction to the India Company, he made no doubt it would be complied with. He said he was against the motion."

Mr. Byng. *Mr. Byng* said, he only meant to ask the noble Lord one question; whether this measure was not preventing the English ships from trading there, and a punishment on ourselves?

Mr. Rose Fuller. *Mr. Rose Fuller* said, the bill when brought in would show whether it was a punishment upon A or B; that he should therefore reserve his opinion until he saw the bill.

Mr. Dowsdell. *Mr. Dowsdell* said, he was of opinion they were going to do very great mischief, and should think it his duty to give that opinion in this early stage of the measure. He said, this bill was to punish the town of Boston; why will you punish Boston alone? Did not other towns send your tea back to England, and refuse the landing? Have they committed no offence? Was there any evidence of a general concurrence of the inhabitants of Boston? Would the House not hear what Boston had to say in defence? Would the House condemn without evidence in the absence of the parties? He would trouble them no more at present. He thought they were going to do a wrong act. He disapproved much of the bill, and should give a negative to it.

Opposes punishing Boston alone.

Mr. Cavendish is for delay.

Mr. Cavendish approved of the proposition, but

hoped, if the merchants of England could any way be injured by it, that time would be given them to come and petition.

The Boston Port Bill proposed and debated in the House of Commons, 1774. Capt. Phipps.

Captain Phipps said, he felt no reason to imagine that any opposition to the Bill at Boston could be effectual; that it was no new thing to direct and order a port for the reception of trade in America; that harbours were in great plenty there; that all authority had been trampled upon in that country for many years; that if our subjects could not trade to Boston, they must go where they could trade with safety. He did not attribute the disturbances to the Stamp Act, or the repeal of it. When he was in that country, he thought that that act might have been put in execution; still he thought that the repeal might be proper. He imagined that one of the provisions that would be adopted by the house would be, to repeal the Declaratory Act, which, in his opinion, was the most absurd and unconstitutional act ever passed. Let America alone and she will return of herself to obedience. Do not let us search for trifling taxes, by way of experiment, to try our power; the moment they see that taxation is not for effectually collecting of money, but for experiment only, they will always oppose you.

Proposes a repeal of the "Declaratory Act."

Lord G. Cavendish said he was not sure but the object before the house would be prejudicial to our trade. He looked to the mutual interest of the two countries, that they were united by proper measures, and he hoped they would be kept so. He wished that no idle ideas of superiority might prevail, for that country which is kept only by power is in danger of being lost every day.

Lord Cavendish thinks the measure prejudicial to trade.

Colonel Barré said, he was urged to rise to discharge his duty in not giving a silent vote on the occasion. He could not help giving his hearty affirmative to the proposition before the house. He liked it, harsh as it was. He liked it for its moderation, and thought that the noble Lord (*North's*) conduct would be of the

Col. Barré is for the motion.

The Boston same stamp throughout. I think Boston ought to be
 Port Bill punished. She is your eldest son." (Here the house
 proposed and debat- laughed, and some members near him observed, that
 ed in the he would be a proper person to direct the admission
 House of of *Irish* members into the house, as he had the day
 Commons, 1774.

Col. Barré
 thinks
 Boston
 ought to
 be pun-
 ished.

* Governor
 of New
 York.

Thinks this
 the time to
 try their
 power

form of constitution she now has, cherish and support
 her. He wished to see an unanimous vote in the onset
 of this business; that when the people of Boston saw
 this measure was carried by such a consent, they would
 the more readily pay the sum of money to the East
 India Company. He hoped, if they did, the crown
 would mitigate the rest of their punishment. If the
 crown went further—perhaps they could not do it un-
 less, as governor Tryon* observed, at the muzzle of
 your guns. We have given the Americans limited and
 prescribed means to acquire wealth; let the rest of the
 matter be left to themselves. He had often thought, in
 the coolest hours, that America ought not to be taxed
 by this country. Endeavor to take the power of taxa-
 tion out of their assemblies, and it will be strongly
 opposed; he did not mean to stick to experimental tax-
 es; the tax of the stamp act was made to please this
 side (meaning *Mr. Grenville's* friends) of the House.
 Go to some great request at once, and if they wont
 comply with it, try then your power. You have been
 paying £4,000,000 for doing of nothing, only for teaz-
 ing and scratching. I wish to see a fair decided line at
 once. I dont see any appearances of war at present.
 Now is your time to try in a civilized manner your power
 over the Americans; other of your enemies are not
 in a condition to take part with them. I am not in
 office that my advice can be taken, if I was, I should
 give it freely. If office comes to me, it comes as an
 atonement for repeated and unmerited affronts. I shall

at all times speak the language of a free and disinterested member."

The debate being here closed, the motion of Lord North for leave to bring in the bill was agreed to; and Lord North, Mr. Onslow, Mr. Charles Townshend, Mr. Attorney general, Mr. Solicitor general, Mr. Rice, Mr. Cooper, and Mr. Robinson, were ordered to prepare and bring in the same.*

Leave given to bring in the bill, March 7, 1774.

* 1. American Archives.

The bill was accordingly presented to the house by Lord *North*, on the eighteenth day of March, was read once and ordered to be passed to a second reading on Monday next, to be then made the order of the day before the house, in Committee of the Whole.

The debate upon it was continued, from day to day, up to the twenty-fifth of March, when it was read a third time, and put upon its final passage. On the question that this bill do pass,

The Boston Port Bill put on its final passage.

Mr. Dowsdell, and others opposed the bill, on the ground of its general injustice, urging that the entry of no other goods was interrupted in Boston but those charged with a duty imposed by parliament. That this duty was in fact a tax, and that parliament had no right to tax America. That the resistance to the duty was not local, but universal from all America against any goods or merchandize loaded with taxes.

Sir Edmund Burke said. "Observe that the disturbances are general. Show me one port in all America where the goods have been landed and vended? The distemper is general, but the punishment is local, by way of exchange. Whether it will be effectual or not I do not know; one town in proscription, the rest in rebellion, can never be a remedial measure for general disturbances. Have you considered whether you have troops and ships sufficient to enforce an universal proscription to the trade of the whole continent of America? If you have not, the attempt is childish, and the operation fruitless. Only, Sir, see the consequence of

Sir Edmund Burke, in opposition.

Consequences to trade in England.

The Boston
Port Bill
on its final
passage.
House of
Commons,
1774.

blocking up one port, for instance that of Virginia Bay; which, if you do, you will destroy the tobacco trade, and thereby bring as it were a certain ruin on your own merchants at Glasgow and Edinburgh. There are but two ways, Sir, to govern America; either to make it subservient to all your laws, or to let it govern itself by its own internal policy. I abhor the measure of taxation where it is only for quarrel, and not for a revenue; a measure that is teasing and irritating without any good effect. But a revision of this question will one day or other come, wherein I hope to give my opinion."

House of
Lords.

Lord North again spoke in favor of the bill, after which it passed without a division. It was then sent up to the House of Lords, where it passed unanimously on the thirtieth day of the same month.

His majesty
assents
to the bill.

On the next day his majesty entered the House of Lords, and took his seat on the throne, adorned with his crown and regal ornaments, and attended by his officers of state, the lords being in their robes; the Commons with their speaker attending: The royal assent was then pronounced severally, by the clerk's assistant, to thirty-nine bills, beginning with the Boston Port Bill.*

* Debates
in Parlia-
ment.

Title and
provisions
of the bill.

The Bill, as passed, was entitled "*An Act to discontinue in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares and merchandise, at the town and within the harbor of Boston, in the Province of Massachusetts Bay in North America.*"

Removal
of the as-
sembly and
custom-
house.

It provided for the removal of the general assembly of that colony, and the custom-house, from Boston to Salem; for a fine to be levied upon the town in favor of the East India Company, equal to the value of the tea destroyed; for the blockading of the harbor by armed vessels, to prevent the entry or exit of ships and merchandise; for the punishment of all persons, and the seizure and forfeiture of all vessels, carts, horses,

mules, boats, carriages, and conveyances whatsoever; made use of in shipping, unshipping, lading, removing, carrying, or conveying, any such goods, wares, or merchandise, into any port or place in Boston; and of any ship moored, lying in, or hovering near said port, within certain prescribed limits; for the prosecution for such penalties and forfeitures by any admiral, chief commander, or commissioned officers of his majesty's fleet, or ships of war, and for quartering troops of soldiers upon the inhabitants to enforce obedience to the bill, and to whatever other laws and regulations of the crown and parliament.

On the fifteenth day of April, following the passage of this bill, *Lord North* presented to the House of Commons—

“A bill for the better regulating the government of the province of Massachusetts Bay in North America,” which passed into a law. This was followed by

“An Act for the impartial administration of justice in Massachusetts Bay, in New England.”

On the same day upon which the bill for regulating the government of Massachusetts Bay was introduced by Lord North, *Mr. Rose Fuller* gave notice of his intention to move, on Tuesday then next, being the nineteenth day of April, for a committee on the tea duty, to see whether or not it was possible to repeal the act laying that duty, before the bill for the better regulating the government of Massachusetts Bay took effect. Accordingly on the nineteenth day of April he moved—

“That this house will, upon this day seven-night, resolve itself into a committee of the whole house, to take into consideration the duty of three-pence per pound weight upon tea, payable in all his majesty's dominions in America; and also the appropriation of the said duty.”

He accompanied the motion with the remark, that, in his opinion, the Boston Port Bill and the other reg-

Proceed-
ings in
parlia-
ment, 1774.

House of
Commons.

Bills for
governing
Mass. Bay.

Notice of a
motion for
a commit-
tee on the
tea duty.

The mo-
tion, and
its design.

Motion to
repeal the
tea duty
upon the
East India
Co.'s ship-
ments,
1774.
Debate on
the mo-
tion.

ulations, would be totally ineffectual without repealing the tea duty bill. He was very sure that the motion would be productive of great good, and that it could not possibly do harm.

The motion was very violently opposed by the ministerial influence in the house, and very warmly advocated by the opposition. The idea of a *mercantile tax* was treated as trifling and ridiculous, while as a matter of revenue it was pronounced simply absurd.

Sir Ed-
mund
Burke on
the mo-
tion.

"Could anything," said Sir Edmund Burke, in speaking to the motion, "be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues, and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of three-pence per pound. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble* of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear. It is upon the principle of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts that it is *expedient* to raise a revenue in America. The preamble of this act which we wish to repeal, is not *declaratory of right*, as some gentlemen seem to argue it, it is only a recital of the expediency of a certain exercise of a right, supposed already to have been asserted. You are therefore at this moment in the awkward sit-

* The de-
claratory
act.

The point
in issue.

uation of fighting for a phantom ; a quiddity ; a thing that wants not only substance, but even a name ; for a thing which is neither abstract right, nor profitable enjoyment. If your government in America is destroyed *by the repeal of taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax too on commercial principles if you please. These principles will serve as well now as they did formerly. But is the article of tea such an object in the trade of England as not to be felt, or felt but slightly, like white lead, and red lead, and painters' colours ? Tea is an object of far other importance. Tea is, perhaps, the most important object, taking it with its necessary connections, of any in the mighty circle of commerce. If *commercial principles* had been the true motives of the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the company, would have prevented all this distress, and all that series of desperate measures, which you thought yourselves obliged to take in consequence of it. America would have furnished that vent which no other part of the world could furnish but America ; where tea is next to a necessary of life, and where the demand grows upon the supply. It is through the American trade of *tea* that your East India conquests are to be prevented from crushing you with their burthen. They are ponderous indeed ; and they must have that great country to lean upon, or they tumble upon your head.

Motion to
repeal the
tea duty,
House of
Commons,
1774.

Import-
ance of tea
to com-
merce.

America a
vent to
English
commerce.

“This Revenue Act of 1767, formed the fourth period of American policy. How we have fared since then ; what woeful variety of schemes have been adopted ; what enforcing and what repealing ; what bullying and what submitting ; what doing and undoing ; what straining and what relaxing ; what assemblies dissolved for

Speech of
Sir Ed-
mund
Burke.

Complica-
tions of the
revenue
policy.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Motion to not obeying, and called again without obedience; what
 repeal the troops sent out to quell resistance and on meeting that
 Tea duty, resistance recalled; what shiftings and changes, and
 House of resistance recalled; what shiftings and changes, and
 Commons, jumbings of all kinds of men at home, which left no
 1774. possibility of order, consistency, vigor, or even so much
 Speech of as a decent unity of colour in any one public measure.
 Sir Ed- After all these changes and agitations your immediate
 mund situation upon the question on your paper is at length
 Burke. brought to this. You have an act of parliament stat-
 ing, 'that *it is expedient* to raise a revenue in America.'

Results of By a partial repeal you annihilated the greatest part of
 a partial that revenue which this preamble declares to be so ex-
 repeal. pedient. You have substituted no other in the place
 of it. A secretary of state* has disclaimed, in the king's
 name, all thoughts of such a substitution in future.

* Lord The principle of this disclaimer goes to what has been
 Hillsbor- left, as well as what has been repealed. The tax which
 ough's cir- lingers after its companions (under a preamble declar-
 cular let- ing an American revenue expedient, and for the sole
 ter. purpose of supporting the theory of that preamble)
 militates with the assurance authentically conveyed to
 the colonies, and is an exhaustless source of jealousy
 and animosity. On this statement, which I take to be
 a fair one, not being able to discern any grounds of
 honor, advantage, peace, or power, for adhering either
 to the *act* or the *preamble*, I shall vote for the ques-
 tion which leads to the repeal of both. It is agreed
 that a revenue is not to be had in America. If we lose
 the profit let us *get rid of the odium.*" The repeal was
 lost.

Is in favor of the re-
 peal.

Motion lost.

The next step in this plan for subjugating the colonies was the introduction of

Additional "A *Bill for the better providing suitable quarters for*
 bill for *officers and soldiers in his majesty's service in North*
 quartering *America.*" Another "*Quartering Act.*" This bill
 troops in *America.* passed in the House of Commons on the ninth day of
 May, 1774. May, and was engrossed and sent to the House of Lords,
 and on the twenty-sixth of May, on the question, shall

the bill pass? Lord, the *Earl of Chatham*, rose and said: The Tea duty, 1774. Additional

“My lords, the unfavorable state of my health, under which I have long laboured, could not prevent me from laying before your lordships my thoughts on the bill now upon the table, and on the state of American affairs in general. bill for quartering troops in America.

“If we take a transient view of those motives which induced the ancestors of our fellow-subjects in America to leave their country to encounter the innumerable difficulties of the unexplored regions of the Western world, our astonishment at the present conduct of their descendants will naturally subside. There was no corner of the world into which men of their free and enterprising spirit would not fly with alacrity, rather than submit to the slavish and tyrannical principles which prevailed at that period in their native country. And shall we wonder, my lords, if the descendants of such illustrious characters spurn with contempt, the hand of unconstitutional power that would snatch from them such dear-bought privileges as they now contend for? Speech of Lord Chatham, House of Lords, May 26. Had the British colonies been planted by any other He defends the position of the colonies. kingdom than our own, the inhabitants would have carried with them the chains of slavery and the spirit of despotism; but as they are, they ought to be remembered as great instances to instruct the world what great exertions mankind will naturally make when they are left to the free exercise of their own powers. And, my lords, notwithstanding my intention to give my hearty negative to the question now before you, I cannot help condemning, in the severest manner, the late turbulent and unwarrantable conduct of the Americans in some instances, particularly in the late riots of Boston. But, my lords, the mode which has been pursued to bring them back to a sense of duty to their parent state, has been so diametrically opposite to the fundamental principles of sound policy, that individuals possessed of common understanding must be astonished at He condemns the measures of parliament.

The Tea
duty, 1774.
Lord Chat-
ham on the
bill for
quartering
troops in
America,
House of
Lords, May
26.

State of
America
before the
Tea Tax.

* Gov. of
Mass. Bay.

Cause of
the de-
struction
of the tea.

such proceedings. By blocking up the harbour of Boston you have involved the innocent trader in the same punishment with the guilty profligates who destroyed your merchandize, and instead of making a well-concerted effort to secure the real offenders, you clap a naval and military extinguisher over their harbour, and punish the crime of a few lawless depredators and their abettors upon the whole body of the inhabitants.

“My lords, England is little obliged to the framers and promoters of this *tea tax*. The Americans had almost forgot, in their excess of gratitude for the repeal of the Stamp Act, any interest but that of the mother country. There seemed an emulation among the different provinces who should be most dutiful and forward in their expressions of loyalty to their real benefactors; as you will readily perceive by the following letter from governor Bernard,* to a noble lord then in office: ‘The house of representatives,’ says he, ‘from the time of opening the session to this day, has shown a disposition to avoid all dispute with me. Everything having passed with as much good humor as I could desire. They have acted, in all things, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation.’

“This, my lords, was the temper of the Americans, and would have continued so, had it not been interrupted by your fruitless endeavors to tax them without their consent. But the moment they perceived that your intention was renewed to tax them, under a pretence of serving the East India Company, their resentment got the ascendant of their moderation, and hurried them into actions contrary to law, which, in their cooler hours, they would have thought on with horror: for, I sincerely believe, *the destroying of the tea was the effect of despair*.

“But, my lords, from the complexion of the whole of the proceedings, I think administration has *purposely*

irritated them into those late violent acts for which they now so severely smart, *purposely to be revenged on them* for the victory they gained by the repeal of the Stamp Act, a measure to which they seemingly acquiesced, but at the bottom they were its real enemies. For what other motive could induce them to dress taxation, *that father of American sedition*, in the robes of an *East India Director*, but to break in upon that mutual peace and harmony which then so happily subsisted between them and the mother country?"

The Tea duty.
Lord Chat-
ham's
speech on
the bill for
quartering
troops in
America,
May 26,
1774.

"My lords, I am an old man, and would advise the noble lords in office to adopt a more gentle mode of governing America; *for the day is not far distant, when America may vie with these kingdoms, not only in arms, but in arts also.* It is an established fact that the principal towns in America are learned and polite, and understand the constitution of the empire as well as the noble lords who are now in office; and consequently, they will have a watchful eye over their liberties, to prevent the least encroachment on their hereditary rights.

Character
and pros-
pects of
America.

"This observation is so recently exemplified in an excellent pamphlet, which comes from the pen of an American gentleman, that I shall take the liberty of reading to your lordships his thoughts on the competency of the British parliament to tax America, which, in my opinion, puts this interesting matter in the clearest view. 'The High Court of Parliament,' he says, 'is the supreme legislative power over the whole empire. In all free states the constitution is fixed; and as the supreme legislature derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation. The constitution ascertains and limits both sovereignty and allegiance; and therefore his majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the English constitu-

Cites an
Ameri-
can's views
against the
power of
parlia-
ment.

The Tea duty.
Lord Chat-
ham's
speech on
the bill for
quartering
troops in
America,
May 26,
1774.

tion; and that it is an essential unalterable right in nature, engrafted in the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within this realm, that what a man has honestly acquired, *is absolutely his own, which he may freely give, but which cannot be taken from him without his consent.*

He en-
dorses the
American
view of
the ques-
tion.

Recom-
mends a
more len-
ient policy.

“This, my lords, though no new doctrine, has always been my received and unalterable opinion, and I will carry it to my grave, *that this country had no right under heaven to tax America.* It is contrary to all the principles of justice and civil policy, which neither the exigencies of the state, *nor even an acquiescence in the taxes*, could justify upon any occasion whatever; such proceedings will never meet their wished-for success; and, instead of adding to their miseries, as the bill now before you most undoubtedly does, adopt some lenient measures which may lure them to their duty: Proceed like a kind and affectionate parent over a child whom he tenderly loves, and, instead of those harsh and severe proceedings, pass an amnesty on all their youthful errors; clasp them once more in your fond and affectionate arms; and, I will venture to affirm, you will find them children worthy of their sire.

“But should their turbulence exist after your proffered terms of forgiveness, which I hope and expect this house will immediately adopt, I will be among the foremost of your lordships to move for such measures as will effectually prevent a future relapse, and make them feel what it is *to provoke a fond and forgiving parent!* A parent, my lords, whose welfare has ever been my greatest and most pleasing consolation. This declaration may seem unnecessary; but I will venture to declare, the period is not far distant, when she will want the assistance of her most distant friends. But should the all-disposing hand of Providence prevent me from affording her my poor assist-

ance, my prayers shall be ever for her welfare ; ‘length of days be in her right hand, and in her left hand riches and honor ; may her ways be ways of pleasantness, and all her paths be peace.’ ” The tea duty.

Notwithstanding this eloquent and conservative appeal, the bill passed into a law. This was followed by The bill passed. “An Act for making more effectual provision for the government of the province of Quebec in North America,” The Quebec bill, June, 1774. passed June eighteenth following. This was followed by “An Act to prevent the exportation to foreign parts of utensils made use of in the cotton, linen, and woolen, and silk manufactures of this kingdom.” The export interdict.

This ended the series of measures adopted at this session of parliament for punishing and subjugating the colonies.

We must now follow these measures across the Atlantic, and mark their operation upon the colonies and the people which they were intended to subjugate. General provisions of these acts of parliament. The scene opens in the fated town of Boston in Massachusetts Bay. By the provisions of the Port Bill, and the other enactments, the seat of government of the colony, and the custom-house, were transferred from Boston to Salem. Armed vessels were stationed in the harbour to prevent the entry of ships. A fine was imposed upon the town equal to the value of the tea destroyed ; and soldiers were quartered upon the inhabitants, to enforce obedience to the laws and regulations established by parliament, for the collection of the commercial tax of three-pence per pound upon tea, shipped to America by the East India Company ; as well from their ware-houses in England, where the tax upon the company was withdrawn, as from India direct. Strange as it may now appear, it was resolutely insisted by the dominant administration party in England, that by adopting these retributive measures against Boston, and thus making that town an example, it would not only awe the other towns into submission Reception of the measures of parliament in America, 1774.

The tea
duty.
Effect of
parlia-
mentary
measures.

sion, but also that the advantages which they might derive from the closing of the port of Boston, would induce the other colonies to look indifferently on the controversy, and perhaps even to espouse the cause of the mother country. But the interests and the principles involved in the contest were far otherwise estimated and regarded by the people of America. The following sentiments emanating from the town of Salem, which was more immediately to be benefitted by the measures adopted, show how ignorant the ministry were of the spirit which ruled in the colonies.

A response
from Sa-
lem.

“By shutting up the port of Boston,” they say, “some imagine that the course of trade might be turned hither, and to our benefit; but nature, in the formation of our harbour, forbids our becoming rivals in commerce with that convenient mart: And, were it otherwise, we must be dead to every idea of justice, lost to all feelings of humanity, could we indulge one thought to seize on wealth, and raise our fortunes, on the ruin of our suffering neighbours.”

Responded
to through-
out the
colonies.

These sentiments were every where responded to. Within a very short time after the Port Bill arrived at Boston, it was circulated through all the colonies, printed with a broad black border, with various emblematical expressions of the views and feelings of the

Circulation
of the Bos-
ton Port
Bill in
America.
Proceed-
ings in
Pennsylva-
nia and
Virginia.

people respecting it. In Philadelphia, and other commercial towns, and throughout the colony of Virginia, the day appointed for its operation was regarded with “fasting, humiliation and prayer.” And it was recommended to the inhabitants “to implore that God would give the people one heart and one mind firmly to oppose every invasion of the American rights.”

Opinions
of Wash-
ington on
the tea du-
ty, July,
1774.

There was, perhaps, no man in all America who had watched with a keener or more profound observation the progress of things, both in England and on this continent, at this time, than George Washington. I therefore give place to the expression of his views, not only as worthy of all respect and confidence, but also

as indicating the general and prevailing sentiment of the people of the colonies. They are contained in a letter written from Mount Vernon, and bearing date the fourth day of July, to Mr. Bryan Fairfax, urging him to offer himself as a candidate for the house of burgesses. Mr. Fairfax had declined being a candidate, because his sentiments differed so from those generally entertained by the people; he thought he "could not give satisfaction at this time, as he was opposed to strong measures of resistance." Washington writes—"As to your political sentiments I would heartily join you in them, so far as relates to a humble and dutiful petition to the throne, provided there was the most distant hope of success: But have we not tried this already? Have we not addressed the lords, and remonstrated to the commons? And to what end? Did they deign to look at our petitions? Does it not appear, as clear as the sun in its meridian brightness, that there is a regular systematic plan formed to fix the right and practice of taxation upon us? Does not the uniform conduct of parliament for some years past confirm this? Do not all the debates, especially those just brought to us, in the House of Commons, on the side of government, expressly declare that America must be taxed in aid of the British funds, and that she has no longer resources within herself? Is there any thing to be expected from petitioning after this? Is not the attack upon the liberty and property of the people of Boston, before restitution of the loss to the East India Company was demanded, a plain and self-evident proof of what they are aiming at? Do not the subsequent bills (now, I dare say, acts) for depriving the Massachusetts Bay of its charter, and for transporting offenders into other colonies, or to Great Britain, for trial, where it is impossible from the nature of the thing that justice can be obtained, convince us that the administration is determined to stick at nothing to carry its point?

The tea duty.
Opinions of Washington, July, 1774.

Letter to Mr. Fairfax.

No hope of redress from parliament.

The acts of parliament against Boston.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The tea duty. * 2 Sparks' Writings of Washington. Ought we not, then, to put our virtue and fortitude to the severest test?"*

Opinions of Washington, July, 1774. And again in a letter addressed to the same Mr. Fairfax, on the twentieth of the same month, he says: "That I differ very widely from you, in respect to the mode of obtaining a repeal of the acts so much complained of, I shall not hesitate to acknowledge; and that this difference in opinion probably proceeds from the different constructions we put upon the conduct and intention of the ministry, may also be true; but, as I see nothing, on the one hand, to induce a belief that the parliament would allow a favorable opportunity to pass, in order to enforce their tyrannical system; and, on the other, I observe, or think I observe, that government is pursuing a regular plan, at the expense of law and justice, to overthrow our constitutional rights and liberties; how can I expect any redress from a measure, which has been ineffectually tried already? For, Sir, what is it we are contending against? Is it against paying the duty of three-pence per pound on tea because burthensome? No, *it is the right only that we have all along disputed*; and to this end we have already petitioned his majesty in as humble and dutiful a manner as subjects could do. Nay, more, we applied to the House of Lords and House of Commons, in their different legislative capacities, setting forth, that *as Englishmen* we could not be deprived of this essential and valuable part of our constitution. If, then, as the fact really is, it is against *the right* of taxation that we now do, and, as I before said, all along have contended, why should they suppose that an exertion of this power would be less obnoxious now than formerly? And what reason have we to believe that they would make a second attempt whilst the same sentiments fill the breast of every American, if they did not intend to enforce it if possible?

Believes the design is to overthrow American liberty.

The true issue stated.

No justification of the proceedings against Boston.

"The conduct of the Boston people could not justify

the rigor of their measures, unless there had been a requisition of payment and refusal of it; nor did that conduct require an act to deprive the government of Massachusetts Bay of their charter; or to exempt offenders from trial in the places where offences were committed; as there was not, nor could there be, a single instance produced to manifest the necessity of it. Are not all these things evident proofs of a fixed and uniform plan to tax us? If we want further proofs, do not all the debates in the House of Commons serve to confirm this? What hope have we then from petitioning, when they tell us that now or never is the time to fix the matter? Shall we, after this, whine and cry for relief, when we have already tried it in vain? Or shall we supinely sit and see one province after another fall a sacrifice to despotism?

The tea duty.
Opinions of Washington, July, 1774.

Evidences of the aims of ministry.

No hope from petitioning.

“If I were in any doubt as to the right which the parliament of Great Britain had to tax us without our consent, I should most heartily coincide with you in opinion, that to petition, and to petition only, is the proper method to apply for relief; because we should then be asking a favor, and not claiming a right, which, by the law of nature, and by our constitution, we are, in my opinion, indubitably entitled to. I should even think it criminal to go further than this, under such an idea; *but I have none such. I think the parliament of Great Britain have no more right to put their hands into my pocket, without my consent, than I have to put my hands into yours.* And this being already urged to them, in a firm but decent manner, by all the colonies, what reason is there to expect anything from their justice?”*

Has no doubt in the premises.

* 2 Sparks' Writings of Washington.

This letter was written in reference to the action proposed to be taken by a convention of delegates from all parts of the colony, which had been previously called to meet at Williamsburg on the first of August then next ensuing. Washington was elected a member

Colonial conventions.

The tea duty. from Fairfax county, and took his seat in the convention, and had a controlling influence over all its proceedings. Similar conventions were held in all of the colonies. A correspondence was opened between them, by committees appointed for the purpose, relative to the expediency of calling a general congress of delegates from the several colonies, to take into consideration the late acts of parliament, as well as to devise some method of obtaining relief. The arbitrary and high-handed measures of the ministry, as one after another they were devised and passed through parliament, and reached America, alarmed the colonies and the people; and they universally responded to the proposition. A resolution passed the convention of Virginia, which expressed not only the sentiments of that colony, but of every other. It was as follows, viz.:

A General Congress suggested.

General response to the proposal.

Resolution of the Virginia Convention.

“RESOLVED, That an attack made on one of our sister colonies, to compel submission to arbitrary taxes, *is an attack made on all British America*, and threatens ruin to the rights of all, unless the united wisdom of the whole should be applied.”

The General Colonial Congress, Sept. 1774.

It was under such a conviction of its necessity, that a Colonial Congress was recommended; delegates to it were promptly appointed, and met in “Carpenter’s Hall” in Philadelphia, September fifth, 1774. This congress was composed of delegates varying in the number representing the different colonies, viz.:

Names of Delegates.

NEW HAMPSHIRE—John Sullivan, Nathaniel Folsom.
MASSACHUSETTS BAY—Thomas Cushing, Samuel Adams, John Adams, Robert Treat Paine.

NEW YORK—Isaac Low, John Alsop, John Jay, James Duane, William Floyd, Henry Wisner, S. Boerum, Philip Livingston.

NEW JERSEY—James Kinsey, William Livingston, Stephen Crane, Richard Smith, John De Hart.

NEW CASTLE, KENT, AND SUSSEX ON DELAWARE—Cæsar Rodney, Thomas McKeane, George Read.

RHODE ISLAND—Stephen Hopkins, Samuel Ward.

The Colonial Congress at Philadelphia, Sept. 1774.

PENNSYLVANIA—Joseph Galloway, John Dickinson, Charles Humphreys, Thomas Mifflin, Edward Biddle, John Morton, George Ross.

MARYLAND—Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, ——— Goldsborough.

VIRGINIA—Richard Henry Lee, George Washington, P. Henry, Jun., Richard Bland, Peyton Randolph, Benjamin Harrison, Edmund Pendleton.

NORTH CAROLINA—William Hooper, Joseph Hewes, R. Caswell.

SOUTH CAROLINA—Henry Middleton, Thomas Lynch, Christopher Gadsden, John Rutledge, Edward Rutledge.

CONNECTICUT—Eliphalet Dyer, Roger Sherman, Silas Deane.

On the opening of the congress, the Hon. Peyton Randolph was unanimously chosen president, and Mr. Charles Thomson, secretary. The credentials of the several members were then produced and approved; soon after which, the house went into an informal consideration of the rules and regulations by which their proceedings should be governed; but as they were unable accurately to ascertain the relative population or importance of each colony represented, they adjourned, without coming to any definite conclusion, to the sixth, at 10, A. M.

September 6th, 1774. The congress met pursuant to adjournment, and resumed the consideration of the rules and conduct to be observed in debating and determining the questions which should come under deliberation, when they passed the following, viz.:

“RESOLVED, that in determining questions in this congress, each colony or province, shall have one vote. The congress not being possessed of, or at present able to procure any proper materials for ascertaining the importance of each colony.

The Colo-
nial Con-
gress, Sept.
1774.

“RESOLVED, that no person shall speak more than twice on the same point, without leave of the congress.

“RESOLVED, that no question shall be determined the day on which it is agitated and debated, if any one of the colonies desire the determination to be postponed to another day.

To sit with
closed
doors, &c.

“RESOLVED, that the doors be kept shut during the time of business, and that the members consider themselves under the strongest obligations of honor to keep the proceedings secret, until the majority shall direct them to be made public.

Commit-
tee on
colonial
rights.

“RESOLVED, *unanimously*, that a committee be appointed to state the rights of the colonies in general; the several instances in which these rights are violated or infringed; and the means most proper to be pursued for obtaining a restoration of them.

“*Ordered*, that the appointment of the committee, and the number of which it shall consist, be deferred until to-morrow.

Commit-
tee on
trade and
manufac-
tures.

“RESOLVED, that a committee be appointed to examine and report the several statutes which affect the trade and manufactures of the colonies. Same order as above respecting the appointment and number of this committee.

To be
opened
with
prayers.

“RESOLVED, that the Rev. Mr. Duché be desired to open the congress to-morrow with prayer, at ‘Carpenter’s Hall,’ at nine o’clock.”

September 7th, 1774. The congress took up the consideration of the appointment of the committees afore-said, and decided that the first committee should consist of two from each colony, viz.:

The com-
mittee on
colonial
rights.

Major John Sullivan, and Colonel Folsom of New Hampshire: Mr. Samuel Adams and Mr. John Adams of Massachusetts Bay: Mr. Hopkins and Mr. Ward of Rhode Island: Colonel Dyer and Roger Sherman of Connecticut: Mr. James Duane and John Jay of New York: Mr. Livingston and Mr. DeHart of New Jersey: Mr. Joseph Galloway and Mr. Biddle of Pennsylv-

vania: Mr. Cæsar Rodney and Mr. M'Keane of Three Counties: Mr. Thomas Johnson and Mr. Goldsborough of Maryland: Mr. Lee and Mr. Pendleton of Virginia: Mr. Lynch and Mr. J. Rutledge of South Carolina.

The Colonial Congress, Sept. 1774.

The second committee was composed of one from each colony, viz.:

New Hampshire, Mr. Sullivan; Massachusetts Bay, Mr. Cushing; Rhode Island, Mr. Hopkins; Connecticut, Mr. Deane; New York, Mr. Low; New Jersey, Mr. Kinsey; Pennsylvania, Mr. Mifflin; Three Counties, Mr. Read; Maryland, Mr. Chase; Virginia, Mr. Henry; South Carolina, Mr. Gadsden.

The committee on trade, &c.

It was then further "*Resolved*, that the president may adjourn the congress from day to day, when he finds there is no business prepared to be laid before them, and may, when he finds it necessary, call them together before the time to which they may stand adjourned."

Power of president to adjourn, &c.

On the fourteenth of September, the delegates from North Carolina appeared and presented their credentials, which were read and approved, and they were permitted to take their seats in the congress.

Delegates from North Carolina.

The congress having received and deliberated upon a communication from the colony of Massachusetts Bay, setting forth the late acts of parliament in relation to that province, the following resolutions were passed:

Proceedings in reference to Mass. Bay.

"RESOLVED, that this congress do approve of the opposition made by the inhabitants of the Massachusetts Bay, to the execution of the late acts of parliament; and if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition.

Sustain Mass. Bay.

"RESOLVED, that the removal of the people of Boston into the country, would be not only extremely difficult in the execution, but so important in its consequences, as to require the utmost deliberation before it is adopted. But in case the provincial meeting of that colony shall judge it *absolutely* necessary, it is the opinion of this congress that all America ought to con-

General contribution to her aid.

PART III.

ORIGIN AND CAUSES OF THE RESOLUTION.

The Colonial Congress, Sept. 1774. tribute towards recompensing them for the injury they may thereby sustain.

Temporary submission recommended. "RESOLVED, that this congress do recommend to the inhabitants of Massachusetts Bay, to submit to a suspension of the administration of justice, where it cannot be procured in a legal and peaceable manner under the rules of the charter, and the laws founded thereon, until the effect of our application for the repeal of the acts, by which their charter-rights are infringed, is known.

None to accept office under the late acts of parliament. "RESOLVED *unanimously*, that every person who shall take, accept, or act under any commission or authority, in any wise derived from the act passed in the last session of parliament, changing the form of government, and violating the charter of the province of Massachusetts Bay, ought to be held in detestation, and considered the wicked tool of that despotism which is preparing to destroy those rights which God, nature, and compact, have given to America.

Recommend forbearance to Mass. Bay. "RESOLVED *unanimously*, that the people of Boston and the Massachusetts Bay, be advised still to conduct themselves peaceably towards his excellency General Gage, and his majesty's troops now stationed in the town of Boston, as far as can possibly consist with their immediate safety and the security of the town, avoiding and discountenancing every violation of his majesty's property, or any insult to his troops; and that they peaceably and firmly persevere in the line in which they are now conducting themselves on the defensive.

Resistance to seizure of persons. "RESOLVED, that the seizing, or attempting to seize, any person in America in order to transport such person beyond the sea, for trials of offenses committed within the body of a county in America, being against law, will justify, and ought to meet with resistance and reprisal."

A letter was also addressed to General Gage, commander of his majesty's troops at Boston, as follows:

“Philadelphia, Oct. 10, 1774.

The Colo-
nial Con-
gress, Sept.
1774.

“Sir,—The inhabitants of the town of Boston have informed us, the representatives of his majesty’s faithful subjects in all the colonies from Nova Scotia to Georgia, that the fortifications erecting within that town, the frequent invasions of private property, and the repeated insults they receive from the soldiery, have given them great reason to suspect a plan is formed very destructive to them, and tending to overthrow the liberties of America. Your excellency cannot be a stranger to the sentiments of America with respect to the late acts of parliament, under the execution of which those unhappy people are oppressed; the approbation universally expressed of their conduct, and the determined resolutions of the colonies for the preservation of their common rights, to unite in their opposition to those acts. In consequence of these sentiments, they have appointed us the guardians of their rights and liberties, and we are under the deepest concern, that, whilst we are pursuing every dutiful and peaceable measure, to procure a cordial and effectual reconciliation between Great Britain and the colonies, your excellency should proceed in a manner that bears so hostile an appearance, and which even these oppressive acts do not warrant. We entreat your excellency to consider what tendency this conduct must have to irritate and force a people, however well disposed to peaceable measures, into hostilities which may prevent the endeavors of this congress to restore a good understanding with a parent state, and may involve us in the horrors of a civil war. In order, therefore, to quiet the minds, and remove the reasonable jealousies of the people, that they may not be driven to a state of desperation, being fully persuaded of their pacific disposition towards the king’s troops, could they be assured of their own safety, we hope, sir, you will discontinue the fortifications in and about Boston, prevent any further in-

Letter to
Gen. Gage
at Boston.

The Colo-
nial Con-
gress, Sept.
1774.

vasions of private property, restrain the irregularities of the soldiers, and give orders that the communications between the town and country may be open, unmolested, and free. Signed by order and in behalf of the General Congress.

PEYTON RANDOLPH, President.

The Declaration of Rights, and other proceedings prepared by the respective committees, and published by this congress, contain so full and comprehensive a view of all the grievances complained of, and of the rights claimed in America, and so well illustrate the position in which the two countries now stood with reference to each other, that they necessarily become a part of this work.

THE DECLARATION OF RIGHTS.

The Decla-
ration of
Rights.

“WHEREAS, *since the close of the last war*, the British parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath in some acts expressly imposed taxes upon them; and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

Enumera-
tion of
grievan-
ces.

“AND WHEREAS, *in consequence of other statutes*, judges, who before held only estates at will in their offices, have been made dependent on the crown alone for their salaries, and standing armies kept in times of peace. AND WHEREAS, *it has lately been resolved in parliament*, that by force of a statute, made in the thirty-fifth year of the reign of king Henry VIII., colonists may be transported to England and tried there upon accusations for treasons, and misprisions and concealments of treasons committed in the colonies, and

by a late statute such trials have been directed in cases therein mentioned. AND WHEREAS, *in the last session of parliament*, three statutes were made; one entitled 'An Act to discontinue in such manner and for such time as therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise at the town, and within the harbour of Boston, in the province of Massachusetts Bay, in North America,' and another, entitled 'An Act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay in New England;' and another statute was then made, 'For making more effectual provision for the government of the province of Quebec,' &c. *All which statutes* are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights. AND WHEREAS, *assemblies have been frequently dissolved*, contrary to the rights of the people, when they attempted to deliberate on grievances, and their dutiful, humble, loyal, and reasonable petitions to the crown for redress have been repeatedly treated with contempt by his majesty's ministers of state, the good people of the several colonies of NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, NEWCASTLE, KENT AND SUSSEX ON DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA and SOUTH CAROLINA, justly alarmed at the arbitrary proceedings of parliament and administration, *have severally elected, constituted and appointed deputies* to meet and sit in general congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted; *whereupon the deputies so appointed, being now assembled*, in a full and free representation of these colonies, taking into their most serious consideration, the best means of

The Colonial Congress at Philadelphia, 1774. Declaration of Rights by.

Late acts of parliament.

Said acts unconstitutional.

The Colo-
nial Con-
gress at
Philadel-
phia, 1774.
Declara-
tion of
Rights by.

attaining the ends aforesaid, do in the first place, as Englishmen their ancestors have in like cases usually done, for asserting and vindicating their rights and liberties, DECLARE, *that the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:*

“RESOLVED NEMINE CONTRADICENTE. I. That they are entitled to life, liberty, and property, and have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

“II. That our ancestors were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England.

Enumera-
tion of
their
rights.

“III. That, by such emigration, they neither forfeited, surrendered, nor lost, any of those rights.

“IV. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; and as the English colonists are not represented, and, from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation, in their several provincial legislatures, where their right of legislation can only be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed; but from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament as are *bona fide* restrained to the regulation of our *external commerce*, for the purposes of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members, excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.

“V. That the respective colonies are entitled to the common law of England, and more especially, to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law. The colonial congress at Philadelphia, 1774.

“VI. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

“VII. That these his majesty’s colonies are likewise entitled to all the immunities and privileges, granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

“VIII. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal. Declaration of rights by.

“IX. That the keeping a standing army in these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

“X. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power, in several colonies, by a council appointed during the pleasure of the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

“*All and each of which*, the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent by their representatives in their several provincial legislatures. Infringements of, by parliament.

“RESOLVED N. C., *That the following acts of par-*

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, 1774. Declaration of rights by.

Enumeration of offensive statutes.

liament are infringements and violations of the rights of the colonists, and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz.,—The several Acts of 4 Geo. III. Ch. 15 and Ch. 34 : 5 Geo. III. Ch. 25 : 6 Geo. III. Ch. 52 : 7 Geo. III. Ch. 41 and 46 : 8 Geo. III. Ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights. *Also*, 12 Geo. III. Ch. 24, entitled 'An Act for the better securing his majesty's dockyards, magazines, ships, ammunition and stores,' which declares a new offence in America, and deprives the American subjects of a constitutional trial by jury of the vicinage, by authorizing the trial of any person charged with the committing any offence described in the said act out of the realm, to be indicted and tried for the same in any shire or county within the realm. *Also*, the three acts passed in the last session of parliament, by stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachusetts Bay ; and that which is entitled 'An act for the better administration of justice, &c.' *Also*, the act passed in the same session *for establishing the Roman Catholic religion* in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there to the great danger, from the total dissimilarity of religion, law, and government, of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France. *Also*, the act passed in the same session for the better providing suitable quarters for officers

and soldiers in his majesty's service in North America. The colonial congress at Philadelphia, 1774.
Also, that the keeping a standing army, in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

"To these grievous acts and measures, Americans cannot submit; but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures—1. To enter into a non-importation, non-consumption, and non-exportation agreement or association.—2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America—and 3. To prepare a loyal address to his majesty agreeable to resolutions already entered into.

Proposed measures of redress.

**"I. ARTICLES OF ASSOCIATION IN NON-IMPORTATION,
NON-EXPORTATION, AND NON-CONSUMPTION.**

"We, his majesty's most loyal subjects, the delegates of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New-castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina and South Carolina, deputed to represent them in a continental congress held in the city of Philadelphia, on the fifth day of September, 1774: Avowing our allegiance to his majesty, our affection and regard for our fellow subjects in Great Britain and elsewhere; affected with the deepest anxiety, and most alarming apprehensions at those grievances and distresses with which his majesty's American subjects are oppressed; and having taken under our most serious deliberation, the state of the whole continent, find; that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration adopted by the British ministry about the year

The association for non-importation, &c.
Preamble.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Proceedings of the colonial congress at Philadelphia, 1774. 1763, evidently calculated for enslaving these colonies, and with them the British empire. In prosecution of which system various acts of parliament have been passed for raising a revenue in America; for depriving the American subjects, in many instances of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alledged to have been committed in America. And in prosecution of the same system, several late cruel and oppressive acts have been passed respecting the town of Boston and the Massachusetts Bay; and also an act for extending the province of Quebec so as to border on the western frontiers of these colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus by the influence of evil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free *Protestant* colonies, whenever a wicked ministry shall choose to direct them.

The association for non-importation, &c.

Object of the association.

"To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects in North America, we are of opinion that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure. And therefore we do, for ourselves, and the inhabitants of the several colonies whom we represent, firmly agree and associate under the sacred ties of virtue, honor, and love of our country, as follows:

Merchandise contrabanded.

"FIRST. That from and after the first day of December next we will not import into British America, from Great Britain or Ireland, any goods, wares, or merchandise whatsoever, or from any other place, any such goods, wares, or merchandise, as shall have been exported from Great Britain or Ireland: Nor will we, after that day, import any East India tea from any part of the world; nor any molasses, syrups, paneles,

coffee or pimento, from the British plantations or from Dominica; nor wines from Madeira, or the Western Islands; nor foreign indigo.

Proceedings of the colonial congress at Philadelphia, 1774.

"SECOND. *We will neither import, nor purchase any slave imported, after the first day of December next: after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.*

Slaves and slave-trade.

"THIRD. *As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea imported on account of the East India Company, or any on which a duty hath been or shall be paid; and from and after the first day of March next we will not purchase or use any East India tea whatever; nor will we, nor shall any person for or under us, purchase or use any of the goods, wares or merchandise, we have agreed not to import, which we shall know or have cause to suspect were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.*

Non-consumption, when to begin.

East India Co.'s teas, &c.

"FOURTH. *The earnest desire we have not to injure our fellow-subjects in Great Britain, Ireland, or the West Indies, induces us to suspend a non-exportation, until the tenth day of September, 1775; at which time if the said acts and parts of acts of the British parliament herein after mentioned, are not repealed, we will not, directly or indirectly, export any merchandise or commodity whatsoever to Great Britain, Ireland, or the West Indies, except rice to Europe.*

Non-exportation.

"FIFTH. *Such as are merchants and use the British and Irish trade, will give orders as soon as possible, to their factors, agents and correspondents, in Great Britain and Ireland, not to ship any goods to them, on any pretence whatever, as they cannot be received in Amer-*

Orders to correspondents.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Proceedings of the colonial congress at Philadelphia, 1774. The articles of non-importation, &c.

ica; and if any merchants residing in Great Britain or Ireland, shall directly or indirectly ship any goods, wares, and merchandise, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and on the same being so done, we will not, from thenceforth, have any connection with such merchant.

Owners of vessels.

“SIXTH. *That such as are owners of vessels* will give positive orders to their captains or masters, not to receive on board their vessels, any goods prohibited by the said non-importation agreement, on pain of immediate dismissal from their service.

Improvement of sheep.

“SEVENTH. *We will use our utmost endeavors* to improve the breed of sheep and increase their number to the greatest extent; and to that end we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West Indies or elsewhere; and those of us, who are or may become overflocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

Frugality and economy to be encouraged.

“EIGHTH. *We will, in our several stations,* encourage frugality, economy, and industry, and promote agriculture, arts, and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shows, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families, will go into any further mourning dress than black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and necklace for ladies; and we will discontinue the giving of gloves and scarves at funerals.

Venders of goods not to take advantage of the times.

“NINTH. *Such as are venders of goods or merchandise* will not take advantage of the scarcity of goods

that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do for twelve months last past. And if any vender of goods or merchandise, shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his, or her factor or agent, at any time thereafter for any commodity whatever.

Proceedings of the colonial congress at Philadelphia, 1774. The articles of non-importation, &c.

“TENTH. *In case any merchant, trader, or other persons* shall import any goods or merchandise after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either reshipped, or delivered up to the committee of the county or town wherein they shall be imported, to be stored at the risk of the importer, until the non-importation agreement shall cease; or be sold under the directions of the committee aforesaid; and in the last mentioned case, the owner or owners of such goods shall be reimbursed (out of the sales,) the first cost and charges; the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston Port Bill; and a particular account of all goods so returned, stored or sold, to be inserted in the public papers; and if any goods or merchandise shall be imported after the said first day of February, the same ought to be forthwith sent back again, without breaking any of the packages thereof.

Current importations.

“ELEVENTH. *That a committee be chosen* in every county, city, and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe the conduct of all persons touching this association; and when it shall be made to appear to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the

Vigilance committees.

Proceed-
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colonial
congress at
Philadel-
phia, 1774.
The ar-
ticles of
non-im-
portation,
&c.
Commit-
tees of cor-
respond-
ence.

case to be published in the Gazette: *to the end that* all such foes to the rights of British America may be publicly known, and universally contemned as the enemies of American liberty; and henceforth we respectively will break off all dealings with him or her.

“TWELFTH. *That the committee of correspondence* in the respective colonies do frequently inspect the entries of their custom-houses, and inform each other from time to time of the true state thereof, and of every other material circumstance that may occur relative to this association.

Price of
goods.

“THIRTEENTH. *That all manufactures of this coun-try* be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

Non-inter-
course.

“FOURTEENTH. *And we do further agree and resolve* that we will have no trade, commerce, dealings, or intercourse whatsoever, with any colony or province in North America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy the rights of freemen, and as inimical to the liberties of their country. And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association until such parts of the several acts of parliament, passed since the close of the last war, as impose or continue duties on teas, wine, molasses, syrups, paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters' colours, imported into America; and extend the powers of admiralty courts beyond their ancient limits; deprive the American subject of trial by jury; authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to from a trial by his peers; require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property; are repealed. And until that part of the act of the 12 Geo. III. Ch. 24, entitled 'An act for the better securing his majesty's dock-yards, magazines, ships, ammunitions, and stores,'

by which any persons charged with committing any of the offences therein described, in America, may be tried in any shire or county within the realm; is repealed. And until the four acts passed the last session of parliament, viz.,—that for stopping the port and blocking up the harbour of Boston—that for altering the charter and government of the Massachusetts Bay—and that which is entitled ‘An act for the better administration of justice, &c.’—and that ‘for extending the limits of Quebec, &c.’ are repealed. And we recommend it to the provincial convention, and to the committees, in the respective colonies, to establish such further regulations as they may think proper, for carrying into execution this association.

Proceedings of the colonial congress at Philadelphia, 1774.

Duration of the association.

“The foregoing association being determined upon by the congress, was ordered to be subscribed by the several members thereof; and thereupon we have hereunto set our respective names accordingly.

In Congress, Philadelphia, October 24, 1774.

Signed PEYTON RANDOLPH, Pres.

NEW HAMPSHIRE.

John Sullivan,
Nathaniel Folsom.

MASSACHUSETTS BAY.

Thomas Cushing,
Samuel Adams,
John Adams,
Robert Treat Paine.

RHODE ISLAND.

Stephen Hopkins,
Samuel Ward.

CONNECTICUT.

Eliphalet Dyer,
Roger Sherman,
Silas Deane.

NEW YORK.

Isaac Low,
John Alsop,
John Jay,
James Duane,
William Floyd,
Henry Wisner,
S. Boerum,
Philip Livingston.

Names of delegates signing the same.

NEW JERSEY.

James Kinsey,
William Livingston,
Stephen Crane,
Richard Smith,
John De Hart.

PENNSYLVANIA.

Joseph Galloway,

John Dickinson,
Charles Humphreys,
Thomas Mifflin,
Edward Biddle,
John Morton,
George Ross.

DELAWARE.

Caesar Rodney,
Thomas M'Keane,
George Read.

MARYLAND.

Matthew Tilghman,
Thomas Johnson,
William Paca,
Samuel Chase.

VIRGINIA.

Richard Henry Lee,
George Washington,
P. Henry, Jun.,
Richard Bland,
Benjamin Harrison,
Edmund Pendleton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
R. Caswell.

SOUTH CAROLINA.

Henry Middleton,
Thomas Lynch,
Christopher Gadsden,
John Rutledge,
Edward Rutledge.

Address
of the colo-
nial con-
gress to the
king, 1774.

“TO THE KING'S MOST EXCELLENT MAJESTY.

“Most Gracious Sovereign,

“We, your majesty's faithful subjects, of the colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina, in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general congress, by this our humble petition, beg leave to lay our grievances before the throne.

Enumera-
tion of
grievan-
ces.

“A standing army has been kept in these colonies ever since the conclusion of the late war, without the consent of our assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes. The authority of the commander-in-chief, and under him of the brigadier-general, has, in time of peace, been rendered supreme in all the civil governments in America.—The commander-

in-chief of all your majesty's forces in North America has, in time of peace, been appointed governor of a colony.—The charges of usual offices have been greatly increased; and new, expensive, and oppressive offices have been multiplied.—The judges of admiralty and vice-admiralty courts are empowered to receive their salaries and fees from the effects condemned by themselves.—The officers of the customs are empowered to break open and enter houses without the authority of any civil magistrate, founded on legal information.—The judges of courts of common law have been made entirely dependent on one part of the legislature for their salaries, as well as for the duration of their commissions.—Counsellors holding their commissions during pleasure exercise legislative authority.—Humble and reasonable petitions from the representatives of the people have been fruitless.—The agents of the people have been discountenanced, and governors have been instructed to prevent the payment of their salaries.—Assemblies have been repeatedly and injuriously dissolved.—Commerce has been burthened with many useless and oppressive restrictions.—By several acts of parliament, made in the *fourth, fifth, sixth, seventh, and eighth* years of your majesty's reign, duties are imposed on us, for the purpose of raising a revenue; and the powers of admiralty and vice-admiralty courts are extended beyond their ancient limits, whereby our property is taken from us without our consent; the trial by jury in many civil cases is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages to which they are justly liable; and oppressive security is required from owners before they are allowed to defend their rights.—Both houses of parliament have resolved that colonists may be tried in England for offences alledged to have been committed in *America*, by virtue of a statute passed in the *thirty-fifth* year of *Henry the Eighth*; and in consequence thereof attempts have

Address
of the colo-
nial con-
gress to the
king, 1774.

Enumera-
tion of
grievan-
ces.

Address of the colonial congress to the king, 1774. been made to enforce that statute.—A statute was passed in the *twelfth* year of your majesty's reign, directing that persons charged with committing any offence therein described, in any place out of the realm, may be indicted and tried for the same in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital, be deprived of a trial by their peers of the vicinage.—In the last session of parliament an act was passed for blocking up the harbour of Boston; *another*, empowering the governor of the Massachusetts Bay, to send persons indicted for murder in that province to another colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a *third*, for altering the chartered constitution of government in that province; and a *fourth*, for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British freemen are subjected to the latter; and establishing an absolute government, and *the Roman Catholic religion*, throughout those vast regions that border on the westerly and northerly boundaries of the *free, protestant* English settlements; and a *fifth*, for the better providing suitable quarters for officers and soldiers in his majesty's service in North America.

Enumeration of grievances.

These the true and only causes of dissatisfaction.

“To a sovereign who glories in the name of Briton, the bare recital of these acts must, we presume, justify the loyal subjects, who fly to the foot of the throne and implore his clemency for protection against them. From this destructive system of colony administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your majesty's dutiful colonists with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy difference between Great Britain and these colonies, from an earlier period, or from other causes, than we have assigned. Had they proceeded on our part from a restless levity of temper,

unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them ; and can be charged with no offence, unless it be one to receive injuries and be sensible of them.

Address
of the colo-
nial con-
gress to the
king, 1774.

“Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne to rescue and secure a pious and gallant nation *from the popery and despotism* of a superstitious and inexorable tyrant. Your majesty we are confident justly rejoices that your title to the crown is thus founded on the title of your people to liberty ; and therefore we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessings they received from Divine Providence, and thereby to prove the performance of that compact which elevated the illustrious house of Brunswick to the imperial dignity it now possesses. The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty and clearly foresee the miseries preparing for us and for our posterity, excites emotions in our breasts which, though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares—the tranquillity of your government, and the welfare of your people. Duty to your majesty and regard for the preservation of ourselves and our posterity—the primary obligations of nature and society—command us to entreat your royal attention ; and, as

Security
from pope-
ry and
despotism,
the guar-
antee to
the throne.

Address of the colonial congress to the king, 1774. your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who, daringly interposing themselves between your royal person, and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints. These sentiments are extorted from hearts that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alledged of taking our property from us without our consent to defray the charge of the administration of justice; the support of civil government; and the defence, protection, and security of the colonies. *But we beg leave to assure your majesty* that such provision has been and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances: And for the defence, protection, and security of the colonies, their militias, if properly regulated as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in case of war, your faithful colonists will be ready and willing, as they ever have been when constitutionally required, to demonstrate their loyalty to your majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects in affectionate attachment to your majesty's person, family, and government, we too dearly prize the privilege of expressing that attachment, by those proofs that are honorable to the prince who receives them,

and the people who give them, ever to assign it to any body of men upon earth. Had we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion to your majesty, and of veneration to the state from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation in whose parental guidance on all important affairs we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet, we doubt not, the purity of our intentions and the integrity of our conduct will justify us at that grand tribunal, before which all mankind must submit to judgment. We ask but *peace, liberty, and safety*. We wish not a diminution of the prerogatives, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavor to support and maintain. Filled with sentiments of duty to your majesty, and of affection to our parent state, deeply impressed by our education and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition *only to obtain a redress of grievances* and relief from fears and jealousies occasioned by the system of statutes and regulations adopted since the close of the last war, for raising a revenue in America—extending the powers of courts of admiralty and vice-admiralty—trying persons in *Great Britain* for offences alledged to be committed in *America*—affecting the province of Massachusetts Bay—and altering the government and extending the limits of Quebec—by the abolition of which system, the harmony between Great Britain and the colonies, so necessary to the happiness of both, and so ardently desired by the latter,

Address
of the colo-
nial con-
gress to the
king, 1774.

Do not aim
at separa-
tion.

Address of the colonial congress to the king, 1774. and the usual intercourses, will be immediately restored. In the magnanimity and justice of your majesty and parliament we confide for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed, in our happier days, to enjoy. For, appealing to that Being who searches thoroughly the hearts of his creatures, we solemnly profess, that our councils have been influenced by no other motive than a dread of impending destruction.

They implore the interference of the king. "Permit us then, most gracious sovereign, in the name of all your faithful people in America, with the utmost humility, to implore you; for the honor of Almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interest of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdom and dominions, threatened with almost unavoidable dangers and distresses; that your majesty, the loving father of your whole people, connected by the same bonds of law, loyalty, faith and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects that, if attained, never can compensate for the calamities through which they must be gained. *We therefore most earnestly beseech your majesty*, that your royal authority and interposition may be used for our relief, and that a gracious answer may be given to this petition. That your majesty may enjoy every felicity, through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be, our sincere and fervent prayer."

ADDRESS TO THE PEOPLE OF GREAT BRITAIN,

Address of
the colonial
congress to
the people
of Great
Britain,
1774.

From the Delegates, appointed by the several English Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, to consider of their grievances in General Congress, at Philadelphia, September 5, 1774.

“Friends and fellow subjects:

“When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers. In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assault of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty to you their posterity.

“Be not surprised, therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government, and the most solemn compacts with British Sovereigns, should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having *our* lives and property in their power they may, with the greater

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of facility, enslave *you*. The cause of America is now the object of universal attention; it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented, and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject: KNOW THEN, *that we consider ourselves, and do insist*, that we are and ought to be, as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us without our consent. That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury. That we hold it essential to *English* liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity to make his defence. That we think the legislature of Great Britain is not authorized by the constitution *to establish a religion fraught with sanguinary and impious tenets*, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred. And yet sacred as they are, they have, with many others, been repeatedly and flagrantly violated. Are not the proprietors of Great Britain lords of their own soil? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men, whatever? You know they will not. Why then are the proprietors of the soil of America less lords of their property than you are of yours? Or why should they submit it to the disposal of your parliament, or of any other parliament or council in the world, not of their election? Can the intervention of the sea that divides us cause disparity of rights, or can any reason be given why English subjects who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety.

“And yet, however chimerical and unjust such discriminations are, the parliament assert, that they have a *right* to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in *English* politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land and the voice of the people have placed in their hands. At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister to whose efforts the British empire owes its safety and fame—at the conclusion of this war, which was succeeded by an inglorious peace formed under the auspices of a minister of principles and of a family *unfriendly to the Protestant cause, and inimical to liberty*; we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution. Prior to this era you were content with drawing from us the wealth procured by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade, and though some of these restrictions were grievous, we nevertheless did not complain; we looked up to you as to our parent state to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur. We call upon you yourselves to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in

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parlia-
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the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores, and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which you confessed we had advanced beyond our proportion, and far beyond our abilities? You did. To what causes then are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace? Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive STAMP ACT. Paint, glass, and other commodities which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners, without paying a tax, imposed by your parliament, on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally, *for the express purpose of raising a revenue*. In order to silence complaint, it was, indeed, provided that this revenue should be expended in AMERICA for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves, by partial representation, to traduce and embroil the colonies. For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every force that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown

The revenue system of taxation.

down in America, and the inestimable right of trial by jury taken away, in cases that touch both life and property. It was ordained that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action in courts of admiralty; by which means the subject lost the advantage of being tried by an honest uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence, or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

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“By the course of our law, offences committed in such of the British dominions in which courts are established and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony, can be ascertained. In all these colonies justice is regularly and impartially administered, and yet by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

Illegal tri-
als.

“When the design of raising a revenue from the duties imposed on the importation of tea into America, had in a great measure been rendered abortive by our ceasing to import that commodity, a scheme was con-

The Tea
taxation.

Address of the colonial congress to the people of Great Britain, 1774. certified by the ministry with the *East India Company*, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the dangers of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston (then ruled by a governor, whom, as well as his predecessor *Sir Francis Bernard*, all America considers as her enemy) were exceedingly embarrassed. The ships which had arrived with the tea, were by his management prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them. The *East India Company*, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals, or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence, were laid before them; neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little acts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing

The tea
destroyed
at Boston.

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against
Boston.

the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

“Let justice and humanity cease to be the boast of your nation! Consult your history, examine your records of former transactions, nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious *formality* of a trial, and that too by laws made expressly for the purpose, and which had no existence at the time of the act committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty, to bring poverty, distress, and calamity to thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

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“It would be some consolation to us, if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an act of parliament, their charter is destroyed, their liberties violated, their constitution and form of government changed: and all this upon no better pretence, than because in one of their towns a trespass was committed on some merchandise, said to belong to one of the

Ancient
rights de-
stroyed.

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companies, and because the ministry were of opinion that such high political regulations were necessary to compel due subordination and obedience to their mandates. Nor are these the only capital grievances under which we labour. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependents on great men, advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Design of
ministry to
enslave the
Colonies.

“Now mark the progression of the ministerial plan for enslaving us.” Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our ports, to destroy our charters, and change our forms of government, would occasion, and had already occasioned, great discontent in the colonies, which might produce opposition to these measures; an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavouring to carry their oppressive edicts into execution; And by another act the dominion of *Canada* is to be so extended, modelled and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices; that by their numbers daily swelling *by catholic emigrants* from Europe, and by their devotion to administration, so friendly to their religion, they might become formidable to us; and on occasion be fit instruments in the hands of power, to reduce the ancient, *free, protestant colonies* to the same state of slavery with themselves. This was evidently the object of the act, and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to British America. Su-

Romanism
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peradded to these considerations, we cannot help Address of the colonial congress to the people of Great Britain, 1774.
 deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned cannot claim the benefit of the *Habeas Corpus act*, that great bulwark and palladium of *English* liberty. Nor can we suppress our astonishment that a British parliament should ever consent to establish in that country, *a religion that has deluged your Island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world.*

“This being the true state of facts, let us beseech you to consider to what end they lead. Admit that the ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or what laurels will you reap from such a conquest? May not a ministry with the same armies enslave you? It may be said, you will cease to pay them; but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state. Do not treat this as chimerical. Know that in less than half a century, the quit-rents reserved to the crown, from the numberless grants of this vast continent, will

Combina-
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 ministry
 with the
 Roman
 Catholics
 in Canada.

The result
 to English
 liberty.

Address of the colonial congress to the people of Great Britain, 1774. pour large streams of wealth into the royal coffers ; and if to this be added the power of taxing America at pleasure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase *the remains of liberty in your island*. In a word, take care that you do not fall into the pit that is preparing for us.

“We believe there is yet much virtue, much justice, and much public spirit in the English nation ; to that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness. We shall ever be ready to contribute all in our power to the glory of the empire. We shall consider your enemies as our enemies, and your interest as our own. But if you are determined that your ministers shall wantonly sport with the rights of mankind ; if neither the voice of justice, the dictates of the law, the principles of the constitution, nor the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world. Place us in the same situation that we were at the close of the last war,* and our former harmony will be restored.

“But lest the same supineness and the same inattention to our common interests which you have for several years shown, should continue, we think it prudent to anticipate the consequences. By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life.

Their allegiance to England.

Retaliatory measures.

We have suspended our importations from Great Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies. It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow-subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and *thereby restore* that harmony, friendship, and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently sought for by every true and honest AMERICAN."

ADDRESS TO THE INHABITANTS OF THE COLONIES

Of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New-castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina.

"Friends and Countrymen,

"We, the Delegates appointed by the good people of these colonies to meet at Philadelphia in September last, for the purposes mentioned by our respective constituents, have, in pursuance of the trust reposed in us, assembled, and taken into our most serious consideration the important matters recommended to the congress. Our resolutions thereupon will be herewith communicated to you. But as the situation of public affairs grows daily more and more alarming; and as it may be more satisfactory to you to be informed by us in a *collective body*, than in any other manner, of those sentiments that have been approved upon a full and

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Address to
the inhab-
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America.

Address of the colonial congress to the inhabitants of the colonies, 1774. free discussion, by the representatives of so great a part of America, we esteem ourselves obliged to add this *address* to these *resolutions*. In every case of opposition by a people to their rulers, or of one state to another, duty to Almighty God, the Creator of all, requires that a true and impartial judgment be formed of the measures leading to such opposition, and of the causes by which it has been provoked, or can in any degree be justified; that neither affection on the one hand nor resentment on the other being permitted to give a wrong bias to reason, it may be enabled to take a dispassionate view of all circumstances, and to settle the *public conduct* on the solid foundations of *wisdom* and *justice*. From councils thus tempered arise the surest hopes of the divine favour, the firmest encouragement to the parties engaged, and the strongest recommendation of their cause to the rest of mankind. With minds deeply impressed by a sense of these truths, we have diligently, deliberately, and calmly inquired into and considered those exertions, both of the legislative and executive power of Great Britain, which have excited so much uneasiness in America; and have, with equal fidelity and attention considered the conduct of the colonies. Upon the whole, we find ourselves reduced to the disagreeable alternative of being silent and betraying the innocent, or of speaking out and censuring those we wish to revere. In making our choice of these distressing difficulties, we prefer the course dictated by honesty and a regard for the welfare of our country.

The revenue policy.

“Soon after the conclusion of the late war, there commenced a memorable change in the treatment of these colonies. By a statute made in the fourth year of the present reign, a time of profound peace, alledging ‘the expediency of new provisions and regulations for extending the commerce between Great Britain and his majesty’s dominions in America, and the *necessity of raising a revenue* in the said dominions for defray-

ing the expenses of *defending*, protecting, and securing the same,' the *commons of Great Britain* undertook to *give and grant* to his majesty many rates and duties to be paid in these colonies. To enforce the observance of this act, it prescribes a great number of severe penalties and forfeitures; and in two sections makes a remarkable *distinction* between the subjects in Great Britain and those in America. By the one the penalties and forfeitures incurred *there*, are to be recovered in any of the king's courts of record at Westminster, or in the court of exchequer in Scotland; and by the other the penalties and forfeitures incurred *here*, are to be recovered in any court of record, or in any court of *admiralty* or *vice-admiralty*, *at the election of the informer or prosecutor*: The inhabitants of these colonies, confiding in the justice of Great Britain, were scarcely allowed sufficient time to receive and consider this act, before another, well known by the name of the *Stamp Act*, and passed in the fifth year of this reign, engrossed their whole attention. By this statute the British parliament exercised in the most explicit manner a power of *taxing us*; and extending the jurisdiction of courts of admiralty and vice-admiralty, in the colonies, to matters arising within the body of a county; and directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the said courts: In the same year a tax was imposed upon us, by an act establishing several new fees in the customs: In the next year the *Stamp Act* was repealed; not because it was founded in an erroneous principle, but, as the repealing act recites, because 'the continuance thereof would be attended with many inconveniences, and might be productive of consequences greatly detrimental to the commercial interests of Great Britain.' In the same year, and by a subsequent act, it was declared 'that his majesty in parliament, of right, had power to bind the people of these colonies by statutes *in all cases whatsoever*:' In the same year, another

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The Stamp Act.

The declaratory act.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Address of the colonial congress to the inhabitants of the colonies, 1774. act was passed for imposing rates and duties payable in these colonies. In this statute the commons, avoiding the terms of *giving and granting*, 'humbly besought his majesty that it might be enacted,' &c. But from a declaration in the *preamble*, that the rates and duties were *in lieu of* several others granted by the statute first before mentioned *for raising a revenue*, and from some other expressions, it appears that these duties were intended *for that purpose*. In the next year an act was made 'to enable his majesty to put the customs and *other duties in America*, under the management of commissioners,' &c., and the king therefore erected the present expensive board of commissioners, for the express purpose of carrying into execution the several acts relating to the *revenue* and trade in America.

Executive board of commissioners.

"After the repeal of the *Stamp Act*, having again resigned ourselves into our ancient unsuspecting affections for the parent state; and anxious to avoid any controversy with her, in hopes of a favorable alteration in sentiments and measures towards us, we did not press our objections against the above-mentioned statutes made subsequent to that repeal. Administration, attributing to trifling causes a conduct which really proceeded from generous motives, were encouraged in the same year to make a bolder experiment on the patience of America. By a statute commonly called the *glass, paper and tea act*, made fifteen months after the repeal of the *Stamp Act*, the commons of Great Britain resumed their former language, and again undertook to '*give and grant rates and duties to be paid in these colonies*,' for the express purpose of '*raising a revenue to defray the charges of the administration of justice, the support of civil government, and defending the king's dominions*' on this continent. The penalties and forfeitures, incurred under this statute, are to be recovered in the same manner with those mentioned in the foregoing acts. To this statute so naturally tending to disturb the tranquillity then uni-

The commercial duty acts, 1767.

versal throughout the colonies, parliament in the same session added another no less extraordinary. Ever since the making of the present peace, a standing army has been kept in these colonies. From respect to the mother country, the innovation was not only tolerated, but the provincial legislatures generally made provision for supplying the troops. The assembly of the province of New York having passed an act of this kind, but differing in some articles from the directions of the act of parliament made in the fifth year of this reign, the house of representatives in that colony was prohibited, by a statute made in the last session mentioned, from making any bill, order, resolution, or vote, except for adjourning or choosing a speaker, until provision should be made by the said assembly for furnishing the troops within that province, not only with all such necessaries as were required by the statute which they were charged with disobeying, but also with those required by two other subsequent statutes, which were declared to be in force until the twenty-fourth day of March, 1769: These statutes of the year 1767 revived the apprehensions and discontents that had entirely subsided on the repeal of the *Stamp Act*; and amidst the just fears and jealousies thereby occasioned, a statute was made in the next year to establish courts of admiralty and vice-admiralty on a new model, especially for the end of more effectually recovering of the penalties and forfeitures inflicted by the acts of parliament framed for the purpose of raising a revenue in America, &c.

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The restraining act against New York.

“The immediate tendency of these statutes is, to subvert the right of having a share in legislation, by rendering assemblies useless; the right of property, by taking the money of the colonists without their consent; the right of trial by jury, by substituting in their place trials in admiralty and vice-admiralty courts, where single judges preside, holding their commissions during pleasure; and unduly to influence the courts of com-

Unconstitutionality of these acts.

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nies.

Defence of
Massachu-
setts Bay.

Testimony
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mon law, by rendering the judges thereof totally dependent on the crown for their salaries. These statutes, not to mention many others exceedingly exceptionable, compared one with another, will be found not only to form a regular system, in which every part has great force, but also a pertinacious adherence to that system, for subjugating these colonies, that are not, and from local circumstances cannot be, represented in the House of Commons, to the uncontrollable and unlimited power of parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated supplications. This conduct must appear equally astonishing and unjustifiable, when it is considered how unprovoked it has been by any behaviour of these colonies. From their first settlement their bitterest enemies never fixed upon them a charge of disloyalty to their sovereign or disaffection to the mother country. In the wars she has carried on, they have exerted themselves whenever required, in giving her assistance; and have rendered her services, which she has publicly acknowledged to be extremely important. Their fidelity, duty, and usefulness during the last war, were frequently and affectionately confessed by his late majesty and the present king. The reproaches of those who are most unfriendly to the freedom of *America*, are principally levelled against the province of Massachusetts Bay; but with what little reason, will appear by the following declarations of a person, the truth of whose evidence, in their favor, will not be questioned. Governor *Bernard* thus addresses the two houses of assembly, in his speech on the twenty-fourth of April, 1762—‘The unanimity and despatch with which you have complied with the *requisitions of his majesty* require my particular acknowledgment. And it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general empire, and as the body of a particular province.’ In another speech on

the twenty-seventh of May in the same year, he says—*Address of the Colonial Congress to the inhabitants of the colonies, 1774.*
 ‘Whatever shall be the event of the war, it must be no small satisfaction to us that this province hath contributed its full share to the support of it. *Every thing that hath been required of it hath been complied with,* and the execution of the powers committed to me for raising the provincial troops hath been as full and complete as the grant of them. Never before were regiments so easily levied, so well composed, and so early in the field as they have been this year: The common people seemed to be animated with the spirit of the general court, and to vie with them in their readiness to serve the king.’

“Such was the conduct of the people of the Massachusetts Bay during the last war. As to their behaviour before that period, it ought not to have been forgotten in Great Britain, that not only on every occasion they had constantly and cheerfully complied with the frequent royal requisitions; but that chiefly by their vigorous efforts Nova Scotia was subdued in 1710, and Louisbourg in 1745. Foreign quarrels being ended, and the domestic disturbances that quickly succeeded on account of the *Stamp Act* being quieted by its repeal, the assembly of Massachusetts Bay transmitted an humble *address of thanks* to the king and divers noblemen, and soon after passed a bill granting compensation to the sufferers in the disorder occasioned by that act. These circumstances and the following extracts from Governor Bernard’s letters in 1768, to the Earl of Shelburne, secretary of state, clearly show with what grateful tenderness they strove to bury in oblivion the unhappy occasion of the late discords, and with what respectful deference they endeavored to escape other subjects of future controversy: ‘The House, (says the *Defence of Massachusetts Bay.*
 Governor) from the time of opening the session to this day, has shown a disposition to *avoid* all dispute with me, every thing having passed with as much good humor as I could desire, except only their continuing *Further testimony of Gov. Bernard, 1768–69.*

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Address of the Colonial Congress to the inhabitants of the colonies, 1774. to act in *addressing* the king, *remonstrating* to the secretary of state, and *employing* a separate agent. It is the *importance of this innovation*, without any willfulness of my own, which induces me to make this remonstrance at a time when I have a fair prospect of having in *all other business* nothing but good to say of the proceedings of the house.* ‘They have acted in *all things*, even in their remonstrance, *with temper and moderation*; they have avoided some subjects of dispute, and have laid a foundation for *removing* some causes of former altercation.’† ‘I shall make such a prudent and proper use of this letter as, I hope, will perfectly restore the peace and tranquillity of this province, for which purpose considerable steps have been made by the house of representatives.’‡ The vindication of the province of Massachusetts Bay contained in these letters, will have greater force, if it be considered that they were written several months after the fresh alarm given to the colonies by the statutes passed in the preceding year. In this place it seems proper to take notice of the insinuation of one of these statutes, that the interference of parliament was necessary to provide for ‘defraying the charge of the administration of justice, the support of civil government, and defending the king’s dominions in *America*.’ As to the two first articles of expense; every colony had made such provision as by their respective assemblies, the best judges on such occasions, was thought expedient and suitable to their several circumstances: Respecting the last; it is well known to all men the least acquainted with *American* affairs, that the colonies were established, and generally defended themselves, without the least assistance from *Great Britain*; and that at the time of her taxing them by the statutes before mentioned, most of them were labouring under very heavy debts contracted in the last war. So far were they from sparing their money when their sovereign *constitutionally* asked their aids, that during the course of that war parliament

* January 21, 1768.

† January 30, 1768.

‡ February 2, 1769.

Defence of Massachusetts Bay.

repeatedly made them compensations for the expenses of those strenuous efforts, which, consulting their zeal rather than their strength, they had cheerfully incurred. Severe as the acts of parliament before mentioned are, yet the conduct of administration hath been equally injurious and irritating, to this devoted country. Under pretence of governing them, so many new institutions, uniformly rigid and dangerous, have been introduced as could only be expected from incensed masters, for collecting the tribute, or rather the plunder of conquered provinces. By order of the king, the authority of the commander-in-chief, and, under him, of the brigadier-generals, *in time of peace*, is rendered *supreme* in all the civil governments in *America*; and thus an uncontrollable military power is vested in officers not known to the constitution of these colonies. A large body of troops, and a considerable armament of ships of war, have been sent to assist in taking their money without their consent—expensive and oppressive offices have been multiplied, and the arts of corruption industriously practiced to divide and destroy—the judges of the admiralty and vice-admiralty courts are empowered to receive their salaries and fees from the effects to be condemned by themselves—the commissioners of the customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information—judges of courts of common law have been made entirely dependent on the crown for their commissions and salaries—a court has been established at Rhode Island for the purpose of taking colonists to England to be tried—humble and reasonable petitions from the representatives of the people have been frequently treated with contempt; and assemblies have been repeatedly and arbitrarily dissolved; from some few instances it will sufficiently appear on what pretences of justice these dissolutions have been founded.

Address of the colonial congress to the inhabitants of the colonies, 1774.

Innovations of the crown and parliament.

Enumeration of special grievances.

“The tranquillity of the colonies having been again

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nial con-
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nies, 1774.

Interfer-
ence of
Lord
Hillsbor-
ough.

Interfer-
ence with
assemblies.

disturbed, as has been mentioned, by the statutes of the year 1767, the earl of Hillsborough, secretary of state, in a letter to governor Bernard, dated April 22, 1768, censures the *presumption* of the house of representatives for 'resolving upon a measure of so inflammatory a nature *as that of writing to the other colonies on the subject of their intended representations against some late acts of parliament*,' then declares that—'his majesty considers this step as evidently tending to create unwarrantable combinations to excite an unjustifiable opposition to the constitutional authority of parliament'—and afterwards adds, 'It is the *king's pleasure*, that as soon as the general court is again assembled, at the time prescribed by the charter, you should require of the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of and dissent to that rash and hasty proceeding. If the new assembly should refuse to comply with his majesty's reasonable expectation it is the king's pleasure that you should immediately dissolve them.'

"This letter being laid before the house, and the resolutions not being rescinded according to order, the assembly was dissolved. A letter of a similar nature was sent to other governors to procure resolutions approving the conduct of the representatives of Massachusetts Bay, to be rescinded also; and the houses of representatives in other colonies refusing to comply, assemblies were dissolved: These mandates spoke a language to which the ears of English subjects had for several generations been strangers. The nature of assemblies implies a power and right of deliberation, but these commands, proscribing the exercise of judgment on the propriety of the requisitions made, left to the assemblies only the election between dictated submission and threatened punishment; a punishment too, founded on no other act, than such as is deemed innocent even in slaves—of agreeing in petitions for redress

of grievances that equally affect all. The hostile and unjustifiable invasion of the town of BOSTON soon followed these events in the same year; though that town, the province in which it is situated, and all the colonies, from abhorrence of a contest with their parent state, permitted the execution even of those statutes against which they so unanimously were complaining, remonstrating, and supplicating.

Address of the colonial congress to the inhabitants of the colonies, 1774. Invasion of Boston.

“Administration, determined to subdue a spirit of freedom, which English ministers should have rejoiced to cherish, entered into a monopolizing combination with the East India Company, to send to this continent vast quantities of tea, an article on which a duty was laid by a statute, that, in a particular manner, attacked the liberties of America, and which therefore, the inhabitants of these colonies had resolved not to import. The cargo sent to South Carolina was stored and not allowed to be sold. Those sent to Philadelphia and New York were not permitted to be landed. That sent to Boston was destroyed, because governor Hutchinson would not suffer it to be returned. On the intelligence of these transactions arriving in Great Britain, the public spirited town last mentioned, was singled out for destruction, and it was determined the province it belongs to should partake of its fate. In the last session of parliament therefore, were passed the acts for shutting up the port of Boston, indemnifying the murderers of the inhabitants of Massachusetts Bay, and changing their chartered constitution of government. To enforce these acts, that province is again invaded by a fleet and army. To mention these outrageous proceedings is sufficient to explain them. For though it is pretended that the province of Massachusetts Bay has been particularly disrespectful to Great Britain, yet in truth the behaviour of the people in other colonies has been an equal ‘opposition to the power assumed by parliament.’ No step, however, has been taken against any of the rest. This artful conduct conceals several de-

Combination of ministry with the East India Company.

The Boston port bill, etc.

Invasion of Massachusetts Bay, alone, unjust.

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of the colo-
nial con-
gress to
the inhab-
itants of
the colo-
nies, 1774.

Their
union their
strength.

The Que-
bec bill.

Its design.

Authority
of the
congress.

signs. It is expected that the province of Massachu-
setts Bay will be irritated into some violent action that
may displease the rest of the continent, or that may
induce the people of Great Britain to approve the medi-
tated vengeance of an imprudent and exasperated min-
istry. If the unexampled pacific temper of that pro-
vince shall disappoint this part of the plan, it is hoped
the other colonies will be so far intimidated as to desert
their brethren suffering in a common cause, and that
thus disunited all may be subdued. To promote these
designs another measure has been pursued. In the
session of parliament last mentioned, an act was passed
for changing the government of Quebec, by which act
the *Roman Catholic religion*, instead of being tolerated
as stipulated by the treaty of peace, *is established*; and
the people there are deprived of a right to an assembly,
trials by jury, and the English laws in civil cases are
abolished, and instead thereof the French laws are es-
tablished, in direct violation of his majesty's promise
by his royal proclamation, under the faith of which
many English subjects settled in that province; and
the limits of that province are extended so as to com-
prehend those vast regions that lie adjoining to the
northerly and westerly boundaries of these colonies. The
authors of this arbitrary arrangement flatter themselves
that the inhabitants, deprived of liberty, and artfully
provoked against those of another religion, will be
proper instruments for assisting in the oppression of
such as differ from them in modes of government and
faith. From the detail of facts herein before recited,
as well as from authentic intelligence received, it is
clear beyond a doubt, that a resolution is formed and
now carrying into execution, *to extinguish the freedom
of these colonies by subjecting them to a despotic gov-
ernment.*

"At this unhappy period, we have been authorized
and directed to meet and consult together for the wel-
fare of our common country. We accepted the im-

portant trust with diffidence, but have endeavored to discharge it with integrity. Though the state of these colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those we have adopted. *In the first place*, it appeared to us a conduct becoming the character the colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty; and therefore, we were induced once more to offer to his majesty the petitions of his faithful and oppressed subjects in America: *Secondly*, regarding with the tender affection, which we knew to be so universal among our countrymen, the people of the kingdom from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction that the colonists are equally dear to them. Between these provinces and that body subsists the social bond, which we ardently wish may never be dissolved, and which cannot be dissolved until their minds shall become indisputably hostile, or their inattention shall permit those who are thus hostile to persist in prosecuting with the powers of the realm, the destructive measures already operating against the colonists; and, in either case, shall reduce the latter to such a situation, that they shall be compelled to renounce every regard but that of self-preservation. Notwithstanding the violence with which affairs have been impelled, they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid; we have chosen a method of opposition that does not preclude a hearty reconciliation with our fellow-citizens on the other side of the Atlantic. We deeply deplore the urgent necessity that presses us to an immediate interruption of commerce that may prove injurious to them. We trust they will acquit us of any unkind intentions towards them, by reflecting, that we are driven by the hands of violence into unexperienced and unex-

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of the colo-
nial con-
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itants of
the colo-
nies, 1774.

Concilia-
tory aims
of the con-
gress.

Not revo-
lutionary.

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of the colo-
nial con-
gress to
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itants of
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nies, 1774.

pected public convulsions, and that we are contending for that freedom so often contended for by our ancestors. The people of England will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity, and good sense, we repose high confidence ; and cannot, upon a review of past events, be persuaded that they, the defenders of true religion, and the asserters of the rights of mankind, will take part against their affectionate *protestant brethren* in the colonies, in favour of our open and their own secret enemies, whose intrigues, for several years past, have been wholly exercised in sapping the foundations of civil and religious liberty.

Further
reasons
for adopt-
ing this
mode of
redress.

“Another reason that engaged us to prefer the commercial mode of opposition, arose from an assurance that the mode will prove more efficacious, if it be persisted in with fidelity and virtue ; and that your conduct will be influenced by these laudable principles, cannot be questioned. Your own salvation and that of your posterity, now depend upon yourselves. You have already shown that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniences you may suffer from a stoppage of trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the honor of your country, that must from your behaviour take its title in the estimation of the world to glory or to shame : And you will, with the deepest attention, reflect that if the peaceable mode of opposition recommended by us be broken and rendered ineffectual, as your cruel and haughty ministerial enemies, from a contemptuous opinion of your firmness, insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final, ruinous, and infamous submission.

Conclusion
of the
address.

“Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost dili-

gence and zeal, to give all possible strength and energy to the pacific measures calculated for your relief. But we think ourselves bound in duty to observe to you, that the schemes agitated against the colonies have been so conducted as to render it prudent that you should extend your views to mournful events, and be in all respects prepared for every contingency. Above all things we earnestly entreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves, and implore the favor of Almighty God; and we earnestly beseech his divine goodness to take you into his gracious protection."

The committee appointed to prepare an address to the inhabitants of Quebec, reported a draft, which was read, and, being debated by paragraphs, was approved and adopted, as follows:

"TO THE INHABITANTS OF THE PROVINCE OF QUEBEC:

"Friends and fellow-subjects: We, the delegates of the colonies of New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; the counties of New-Castle, Kent and Sussex on Delaware; Maryland; Virginia; North Carolina; and South Carolina; deputed by the inhabitants of the said colonies to represent them in a general congress, at Philadelphia, in the province of Pennsylvania, to consult together concerning the best methods to obtain redress of our afflicting grievances; having accordingly assembled and taken into our most serious consideration the state of public affairs on this continent, have thought proper to address your province, as a member therein deeply interested.

"When the fortune of war, after a gallant and glorious resistance, had incorporated you with the body of English subjects, we rejoiced in the truly valuable addition, both on our own and your account; expecting, as courage and generosity are naturally united,

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the colo-
nial con-
gress to the
inhabitants
of Quebec,
1774.

Preamble.

Accession
of Canada
to the Brit-
ish Empire.

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Address of our brave enemies would become our hearty friends, the colo- and that the Divine Being would bless to you the dis-
 nial con- pensation of his overruling providence, by securing to
 gress to the you, and your latest posterity, the inestimable advanta-
 inhabitants of Quebec, ges of a *free English* constitution of government,
 1774. which it is the privilege of all *English* subjects to
 enjoy.

“These hopes were confirmed by the king’s proclamation, issued in the year 1763, plighting the public faith for your full enjoyment of those advantages. Little did we imagine that any succeeding ministry would so audaciously and cruelly abuse the royal authority as to withhold from you the fruition of the irrevocable rights to which you were thus justly entitled.

The rights to which they are entitled, and of which they are deprived.

“But since we have lived to see the unexpected time when ministers of this flagitious temper have dared to violate the most sacred compacts and obligations; and as you, educated under another form of government, have artfully been kept from discovering the unspeakable worth of that form you are now undoubtedly entitled to, we esteem it our duty, for the weighty reasons hereinafter mentioned, to explain to you some of its most important branches.

The object of good laws.

“‘In every human society,’ says the celebrated Marquis Beccaria, ‘there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to oppose this effort and to diffuse their influence universally and equally.’

Cause of conflicts between rulers and ruled.

“Rulers stimulated by this pernicious ‘effort,’ and subjects animated by the just ‘intent of opposing good laws against it,’ have occasioned the vast variety of events that fill the histories of so many nations. All these histories demonstrate the truth of this simple position, that to live by the will of one man, or set of men, is the production of misery to all men.

“On the solid foundation of this principle, *English-* Address of
men reared up the fabric of their constitution with such the colo-
 strength as for ages to defy time, tyranny, treachery, nial con-
 internal and foreign wars; and, as an illustrious au- gress to the
 thor of your nation, hereafter mentioned, observes— of Quebec,
 1774.

‘They gave the people of their colonies the form of The British
 their own government, and this government carrying Constitu-
 prosperity along with it, they have grown great nations tion, the
 in the forests they were sent to inhabit.’ basis of
 the colo-
 nial rights.

“*In this form, the first grand right is, that of the* Right of
people having a share in the government by their rep- the people
 resentatives chosen by themselves, and, in consequence, to share in
 of being ruled by laws which they themselves approve; the gov-
 ernment.
 not by edicts of men, over whom they have no control.
 This is a bulwark surrounding and defending their
 property, which, by their honest cares and labours,
 they have acquired, so that no portions of it can
 legally be taken from them but with their own full and
 free consent, when they, in their judgment, deem it
 just and necessary to give them for public services,
 and precisely direct the easiest, cheapest, and most
 equal methods in which they shall be collected.

“The influence of this right extends still further. Right of
 If money is wanted by rulers who have in any manner the people
 oppressed the people, they may retain it until their to withhold
 grievances are redressed, and thus peaceably procure appropria-
 tions.
 relief, without trusting to despised petitions, or dis-
 turbing the public tranquillity.

“The next great right is *that of trial by jury*. This Right of
 provides that neither life, liberty, nor property, can be trial by
 taken from the possessor, until twelve of his unexcep- jury.
 tionable countrymen and peers of his vicinage, who,
 from that neighbourhood, may reasonably be supposed
 to be acquainted with his character, and the characters Its inci-
 of the witnesses, upon a fair trial, and full inquiry, dents and
 face to face, in open court, before as many of the peo- benefits.
 ple as choose to attend, shall pass their sentence, upon
 oath, against him; a sentence that cannot injure him,

Address of the colonial congress to the inhabitants of Quebec, 1774. without injuring their own reputation, and probably their interest also ; as the question may turn on points that, in some degree, concern the general welfare ; and if it does not, their verdict may form a precedent, that, on a similar trial of their own, may militate against themselves.

Right to personal liberty. “ *Another right* relates merely to the *liberty of the person*. If a subject is seized and imprisoned, though by order of government, he may, by virtue of this right, immediately obtain a writ, termed a *Habeas Corpus*, from a judge, whose sworn duty it is to grant it, and thereupon procure any illegal restraint to be quickly inquired into and redressed.

Right to hold lands by easy tenures. “ *A fourth right* is that of holding lands by the tenure of easy rents, and not by rigorous and oppressive services, frequently forcing the possessors from their families and their business, to perform what ought to be done, in all well regulated states, by men hired for the purpose.

Right to freedom of the press. “ *The last right* we shall mention regards the *freedom of the press*. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honorable and just modes of conducting affairs.

These rights colonial, and inviolable. “ *These are invaluable rights* that form a considerable part of our mild system of government ; that, sending its equitable energy through all ranks and classes of men, defends the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

Design of ministry against these rights. “ *These are the rights without which* a people cannot be free and happy, and under the protecting and encouraging influence of which these colonies have hith-

erto so amazingly flourished and increased. These are the rights a profligate ministry are now striving, by force of arms, to ravish from us, and which we are with one mind, resolved never to resign but with our lives.

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“These are the rights you are entitled to, and ought, at this moment, in perfection, to exercise. And what is offered to you, by the late act of parliament, in their place? Liberty of conscience in your religion? *No!* *God* gave it to you; and the temporal powers with which you have been and are connected, firmly stipulated for your enjoyment of it. If laws, divine and human, could secure it against the despotic caprices of wicked men, it was secured before. Are the French laws, in civil cases, restored? It seems so. But observe the cautious kindness of the ministers, who pretend to be your benefactors. The words of the statute are—

Sophistry of the Bill.

that those ‘laws shall be the rule, until they shall be varied or altered by any ordinances of the governor and council.’ Is ‘the certainty and lenity of the criminal law of England and its benefits and advantages’ commended in the said statute, and said to ‘have been sensibly felt by you’ secured to you and your descendants? *No!* They too are subjected to arbitrary ‘alterations’ by the governor and council; and a power is expressly reserved of appointing ‘such courts of criminal, civil, and ecclesiastical jurisdiction, as shall be thought proper.’

“Such is the precarious tenor of mere will, by which you hold your lives and religion. The crown and its ministers are empowered, as far as they could be by parliament, to establish even the Inquisition itself among you. Have you an assembly composed of worthy men, elected by yourselves, and to whom you can confide, to make laws for you, to watch over your welfare, and to direct in what quantity and in what manner your money shall be taken from you? *No!* The power of making laws for you is lodged in the governor and council, all

Precarious tenure of their rights under the bill.

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Address of the colonial congress to the inhabitants of Quebec, 1774. of them dependent upon, and removable at the pleasure of a minister.

Imposition of excise an infringement of their rights. “Besides, another late statute, made without your consent, has subjected you to the impositions of excise —the horror of all free states; thus wresting your property from you by the most odious of taxes, and laying open to insolent tax-gatherers, houses, the scenes of domestic peace and comfort, and called the *castles of English* subjects in the books of their law. And in the very act for altering your government, and intended to flatter you, you are not authorized to assess, levy, or apply, any rates and taxes but for the inferior purposes of making roads, and erecting and repairing public buildings, or for other local conveniences within your respective towns and districts.

Other infringements of their rights.

Invidious distinction between Canadians and Englishmen.

Its design.

“Why this degrading distinction? Ought not the property honestly acquired by *Canadians* to be held as sacred as that of *Englishmen*? Have not *Canadians* sense enough to attend to any other public affairs, than gathering stones from one place and piling them up in another? Unhappy people! who are not only injured, but insulted. Nay more! with such a superlative contempt of your understanding and spirit, has an insolent ministry presumed to think of you, our respectable fellow-subjects, according to the information we have received, as firmly to persuade themselves that your gratitude for the injuries and insults they have recently offered to you, will engage you to take up arms, and render yourselves the ridicule and detestation of the world, by becoming tools, in their hands, to assist them in taking that freedom from us, which they have treacherously denied to you; the unavoidable consequence of which attempt, if successful, would be the extinction of all hopes of you or your posterity being ever restored to freedom; for idiocy itself cannot believe, that, when their drudgery is performed, they will treat you with less cruelty than they have us who are of the same blood with themselves.

“What would your countryman, the immortal *Montesquieu*, have said to such a plan of domination as has been framed for you? Hear his words, with an intense-ness suited to the importance of the subject. ‘In a free state, every man, who is supposed a free-agent, ought to be concerned in his own government: Therefore the legislative should reside in the whole body of the people or their representatives. The political liberty of the subject is a tranquillity of mind, arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted, as that one man need not be afraid of another. When the power of making laws and the power of executing them, are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.’”

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Appeal to their national pride.

Citation from *Montesquieu*.

“The power of judging should be exercised by persons taken from the body of the people, at certain times of the year, and pursuant to a form and manner prescribed by law. There is no liberty, if the power of judging be not separated from the legislative and executive powers.’”

“Military men belong to a profession which may be useful, but is often dangerous. The enjoyment of liberty, and even its support and preservation, consists in every man’s being allowed to speak his thoughts and lay open his sentiments.’”

“Apply these decisive maxims, sanctified by the authority of a name which *all Europe reveres*, to your own state. *You* have a governor, it may be urged, vested with the executive powers, or the powers of administration; in him and in your council is lodged the power of making laws. *You* have judges, who are to decide every cause affecting your lives, liberty, or property. Here is, indeed, *an appearance* of the several powers being separated and distributed into different

Application of the citation.

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nial con-
gress to
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tants of
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hands, for checks, one upon another; the only effectual mode ever invented by the wit of men to promote their freedom and prosperity. But scorning to be deluded by a tinselled outside, and exerting the natural sagacity of *Frenchmen*, examine the specious device, and you will find it, to use an expression of Holy Writ, 'a whited sepulchre' for burying your lives, liberty, and property."

The minis-
terial pow-
er and
sophistry,
dangerous
to their
liberties.

"Your judges, and your legislative council, as it is called, are dependent on your governor, and he is dependent on the servant of the crown in *Great Britain*.

The legislative, executive, and judging powers are all moved by the nods of a minister. Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve. Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence, beginning with a benevolent pretension, concludes with a destructive power; and the substance of the whole, divested of its smooth words, is—that the crown and its ministers shall be as absolute throughout your extended province as the despots of Asia or Africa. What can protect your property from taxing edicts, and the rapacity of necessitous and cruel masters? your persons, from *lettres de cachet*, jails, dungeons, and oppressive services? your lives and general liberty, from arbitrary and unfeeling rulers? We defy you, casting your view upon every side, to discover a single circumstance, promising from any quarter the faintest hope of liberty to you or your posterity, but from an entire adoption into *the union of these colonies*.

Invited
into the
colonial
union.

"What advice would the truly great man, before mentioned, that advocate of freedom and humanity, give you, were he now living, and knew that we, your numerous and powerful neighbors, animated by a just love of our invaded rights, and united by the indissoluble bonds of affection and interest, called upon you, by every obligation of regard for yourselves and your

children, as we now do, to join us in our righteous con- Address of
test, to make common cause with us therein, and take the colo-
a noble chance for emerging from a humiliating sub- nial con-
jection under governors, intendants, and military gress to the
tyrants, into the firm rank and condition of *English* inhabitants
1774.
Freemen, whose custom it is, derived from their ances-
tors, to make those tremble who dare to think of
making them miserable?

“Would not this be the purport of his address? Supposed
‘Seize the opportunity presented to you by Providence appeal of
itself. You have been conquered into liberty, if you Montes-
act as you ought. This work is not of man. You are quieu to
a small people, compared to those who, with open arms, them.
invite you into a fellowship. A moment’s reflection
should convince you which will be most for your inter-
est and happiness, to have all the rest of North Amer-
ica your unalterable friends, or your inveterate ene-
mies. The injuries of Boston have roused and asso-
ciated every colony from Nova Scotia to Georgia.
Your province is the only link wanting to complete
the bright and strong chain of union. Nature has
joined your country to theirs. Do you join your po-
litical interests. For their own sakes they never will
desert or betray you. Be assured that the happiness
of a people inevitably depends on their liberty, and
their spirit to assert it. The value and extent of the
advantages tendered to you are immense. Heaven
grant you may not discover them to be blessings after
they have bid you an eternal adieu.’

“We are too well acquainted with the liberality of Difference
sentiment distinguishing your nation, to imagine that of religion
no barrier
difference of religion will prejudice you against a to their
hearty amity with us. You know that the transcendent union.
nature of freedom elevates those who unite in her
cause, above all such low-minded infirmities. The
Swiss Cantons furnish a memorable proof of this truth.
Their union is composed of Roman Catholic and Pro-
testant States, living in the utmost concord and peace

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Address of the colonial congress to the inhabitants of Quebec, 1774. with one another, and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has invaded them.

Opposers of their union not to be trusted. "Should there be any among you, as there generally are in all societies, who prefer the favors of ministers and their own private interests, to the welfare of their country, the temper of such selfish persons will render them incredibly active in opposing all public-spirited measures, from an expectation of being well rewarded for their sordid industry, by their superiors; but we doubt not you will be upon your guard against such men, and not sacrifice the liberty and happiness of the whole Canadian people, and their posterity, to gratify the avarice and ambition of individuals.

Not invited to acts of hostility. "We do not ask you, by this address, to commence acts of hostility against the government of our common sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers, so far as to become the instruments of their cruelty and despotism; but *to unite with us in one Social Compact,*

But to equal liberty. *formed on the generous principles of Equal Liberty,* and cemented by such an exchange of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration, whether it may not be expedient for you to meet together in your several towns and districts, and elect deputies, who, afterwards meeting

Invited to the next congress. in a provincial congress, may choose delegates to represent your province in the Continental Congress, to be held at Philadelphia on the tenth day of May, 1775. In this present congress, beginning on the fifth of the last month,* and continued to this day,† it has been, with universal pleasure and an unanimous vote, *resolved*, that we would consider the violation of your rights, by the act for altering the government of your province, as a violation of our own, and that you should be invited to accede to our Confederation,

* September.

† Oct. 20.

which has no other objects than the perfect security of the natural and civil rights of all the constituent members, according to their respective circumstances; *and the preservation of a happy and lasting connection* with Great Britain, on the salutary and constitutional principles herein before mentioned. For effecting these purposes we have addressed an humble and loyal petition to his majesty, praying relief of our and your grievances; and have associated to stop all importations from Great Britain and Ireland, after the first day of December; and all exportations to those kingdoms and the West Indies after the tenth day of next September;* unless the said grievances are redressed. That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate, whenever you suffer injuries which you are determined to oppose, not on the small influence of your single province, but on the consolidated power of North America; and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us your sincere and affectionate friends and fellow subjects.

Address of the colonial congress to the inhabitants of Quebec, 1774.

Conclusion of the address. * 1775.

“By order of the congress,

“HENRY MIDDLETON, *President*.”†

On the twenty-second of October the following resolution was passed: “RESOLVED, as the opinion of this congress, that it will be necessary that a congress should be held on the tenth day of May next, unless the redress of grievances, which we have desired, be obtained before that time. And we recommend that the same be held at the city of Philadelphia, and that *all the colonies in North America*, choose deputies, as soon as possible, to attend such congress.”

Resolution recommending a congress in May, 1775.

Soon after the adoption of this resolution, the committee appointed to prepare a letter to the colonies of

† The Hon Peyton Randolph was taken sick, and the Hon. Henry Middleton chosen to supply his place as president, Oct. 22, 1774.

St. Johns, Nova Scotia, etc., reported a draft, which was read, and being amended, was approved and adopted as follows, viz. :—

Letter to
the colo-
nies of St.
Johns, &c.

“Philadelphia, October 22, 1774.

“Gentlemen: The present critical and truly alarming state of American affairs, having been considered in a general congress of deputies from the colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the lower counties on Delaware, Maryland, Virginia, North Carolina, and South Carolina, with that attention and mature deliberation which the important nature of the case demands, they have determined for themselves, and the colonies they represent, on the measures contained in the enclosed papers; which measures they recommend to your colony to be adopted, with all the earnestness that a well-directed zeal for American liberty can prompt.

Necessity
of resist-
ance to
British ag-
gression.

“So rapidly violent and unjust has been the late conduct of the British administration against the colonies, that either a base and slavish submission, under the loss of their ancient, just, and constitutional liberty, must quickly take place, or an adequate opposition be formed.

“We pray God to take you under his protection, and to preserve the freedom and happiness of the whole British Empire. We are, &c.,

“By order of the Congress,

“HENRY MIDDLETON, *President.*”

Order on
the ad-
dress to
the king,
Oct. 1774.

On the twenty-fifth of October, the congress “ORDERED, that the address to the king be enclosed to the several colony agents, in order that the same may be by them presented to his majesty; and that the agents be requested to call in the aid of such noblemen and gentlemen as are esteemed firm friends to American lib-

Committee
to prepare
letter.

erty.

“ORDERED, that Mr. Lee and Mr. Jay be a committee

to prepare a letter to the agents of the several colonies.

The colonial congress, 1774.

“ORDERED, that this congress, in their own names, and in behalf of all those whom they represent, do present their most grateful acknowledgments to those truly noble, honorable, and patriotic advocates of civil and religious liberty, who have so generously and powerfully, though unsuccessfully, espoused and defended the cause of America both in and out of parliament.

Vote of thanks to the friends of America in England.

“*October, 26th, 1774.* The committee appointed to prepare a letter addressed to the agents, reported a draft, which was read, and being debated by paragraphs, was approved, and adopted as follows, viz.:

Report of the committee.

“*Wednesday, October 26, 1774.*

“Gentlemen: We give you the strongest proof of our reliance on your zeal and attachment to the happiness of America, and the cause of liberty, when we commit the enclosed papers to your care.

Letter to the colony agents.

“We desire that you will deliver the petition into the hands of his majesty, and after it has been presented, we wish it may be made public, through the press, together with the list of grievances, and as we hope for great assistance from the spirit, virtue, and justice of the nation, it is our earnest desire that the most effectual care be taken, as early as possible, to furnish the trading cities and manufacturing towns, throughout the united kingdom, with our memorial to the people of Great Britain.

The petition to the king.

The memorial to the people.

“We doubt not but your good sense and discernment will lead you to avail yourselves of every assistance that may be derived from the advice and friendship of all great and good men, who may incline to aid the cause of liberty and mankind.

“The gratitude of America, expressed in the enclosed vote of thanks, we desire may be conveyed to the deserving objects of it in the manner that you think will be most acceptable to them.

To deliver the vote of thanks.

The colo-
nial con-
gress,
1774.

Urged to
transmit
intelli-
gence.

“It is proposed that another congress be held on the tenth of May next, at this place, but, in the mean time, we beg the favor of you, gentlemen, to transmit to the speakers of the several assemblies, the earliest information of the most authentic accounts you can collect of all such conduct and designs of ministry, or parliament, as it may concern America to know.

“We are, with unfeigned esteem and regard, gentlemen, By order and in behalf of the Congress,

HENRY MIDDLETON, *Pres't.*

American
agents in
London.

“To Paul Wentworth, agent for New Hampshire; Dr. Benjamin Franklin, William Bollen, Dr. Arthur Lee, agents for Massachusetts Bay; Edmund Burke, agent for New York; Thomas Life, agent for Connecticut; and Charles Garth, Esq., agent for South Carolina.” There were no agents there for the other colonies.

Vote of
thanks to
the house
of repre-
sentatives
in Pennsyl-
vania.

Adjourn-
ment of
the con-
gress.

The session closed with a vote of thanks “to the honorable the house of representatives of the colony of Pennsylvania, for their politeness to this congress; and that the delegates for this colony be a committee to communicate this resolution to the said honorable house.” Their proceedings were made public after their adjournment, and freely circulated, and received throughout the colonies with grateful approbation.

While the congress was in session, Capt. Robert Mackenzie, an officer in the British Army at Boston, addressed George Washington, then a member, as follows, viz. :

Capt.
Mackenzie
to Wash-
ington.

“*Boston, Sept. 13th, 1774.*—Mr. Atcheson can sufficiently inform you of the state of this unhappy province, of their tyrannical oppression over one another, of their fixed aim at total independence, of the weakness and temper of the mainsprings that set the whole in motion; and how necessary it is, that abler heads and better hearts should draw a line for their guidance. Even when this is done, it is much to be feared, that

they will follow it no further than it coincides with their sentiments.

“Amidst all these jarrings we have until lately lived in a camp of pleasure, but the rebellious and numerous meetings of men in arms, their scandalous and ungenerous attacks upon the best characters in the province, obliging them to save themselves by flight, and their repeated but feeble threats to dispossess the troops, have furnished sufficient reasons to General Gage to put the town in a formidable state of defence, about which we are now fully employed and which will be accomplished to their great mortification.”

To this letter Washington replied, vindicating Massachusetts and the colonies in the following dignified and caustic manner :

“Philadelphia, Oct. 9, 1774.

“Dear Sir :

“Your letter of the 13th ultimo, from Boston, gave me pleasure, as I learnt thereby, that you were well, and might be expected at Mount Vernon in your way to or from James’ river, in the course of the winter. Washington in reply to Capt. Mackenzie, 1774.

“When I have said this, permit me with the freedom of a friend (for you know I always esteemed you) to express my sorrow, that fortune should place you in a service that must fix curses to the latest posterity upon the contrivers, and, if success (which, by the by, is impossible) accompanies it, execrations upon all those who have been instrumental in the execution.

“I do not mean by this to insinuate, that an officer is not to discharge his duty, even when chance, not choice, has placed him in a disagreeable situation ; but I confess, when you condemn the conduct of the Massachusetts people, you reason from effects, not causes : otherwise you would not wonder at a people, who are every day receiving fresh proofs of a systematic assertion of an arbitrary power, deeply planned to overthrow the laws and constitution of their country, and to violate the most essential and valuable rights of man- Position of Mass. Bay.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Washing-
ton in re-
ply to
Captain
Macken-
zie, Oct.
1774.

kind, being irritated and with difficulty restrained from acts of the greatest violence and intemperance. For my own part, I confess to you candidly, that I view things in a very different point of light from the one in which you seem to consider them; and though you are led to believe by venal men—for such I must take the liberty of calling those new-fangled counsellors, who fly to and surround you, and all others, who, for honors or pecuniary gratifications, will lend their aid to overthrow the constitution, and introduce a system of arbitrary government—although you are taught, I say, by discoursing with such men, to believe, that the people of Massachusetts are rebellious; setting up for independency, and what not, give me leave, my good friend, to tell you, that you are abused, grossly abused.

Defence of
Mass. Bay

“This I advance with a degree of confidence and boldness which may claim your belief, having better opportunities of knowing the real sentiments of the people you are among, from the leaders of them, in opposition to the present measures of the administration, than you have from those whose business it is, not to disclose truths, but to misrepresent facts in order to justify, as much as possible, to the world, their own conduct. Give me leave to add, and I think I can announce it as a fact, that *it is not the wish or interest of that government, or any other upon this continent, separately or collectively, to set up for independence.* But this you may at the same time rely upon, that none of them will ever submit to the loss of those valuable rights and privileges, which are essential to the happiness of every free state, and without which life, liberty, and property, are rendered totally insecure.

The colo-
nies not
aiming at
independ-
ence.

“These, sir, being certain consequences, which must naturally result from the late acts of parliament relative to America in general, and the government of Massachusetts Bay in particular; is it to be wondered at, I repeat, that men, who wish to avert the impending blow, should attempt to oppose it in its progress, or

prepare for their defence, if it cannot be averted? Surely I may be allowed to answer in the negative; and again give me leave to add as my opinion, that more blood will be spilled on this occasion, if the ministry are determined to push matters to extremity, than history has ever yet furnished instances of in the annals of North America, and such a vital wound will be given to the peace of the country, as time itself cannot cure, or eradicate the remembrance of.

“But I have done. I was involuntarily led into a short discussion of the subject by your remarks on the conduct of the Boston people, and your opinion of their wishes to set up for independency. I am well satisfied, that *no such thing is desired by any thinking man in all North America*; on the contrary, that it is the ardent wish of the warmest advocates for liberty, that peace and tranquillity, upon constitutional grounds, may be restored, and the horrors of civil discord prevented. “I remain, dear sir,

“your most obedient serv’t,

“GEORGE WASHINGTON.”*

Washington in reply to Capt. Mackenzie, Oct. 1774.

* Spark's Writings of Washington, vol. 2.

As Washington was at this time in attendance in congress, and in daily intimacy and consultation with its members, this letter may be taken as an expression of the sentiments which prevailed throughout the colonies. It is evident that the idea of independence was neither premeditated, anticipated, or desired at this date. As a further illustration of the position and sentiments of the nation, I introduce here the following copy of a letter from the Hon. John Dickinson of Pennsylvania, to Dr. Arthur Lee, the agent of the colony of Massachusetts Bay in England. Mr. Dickinson wrote as follows, viz. :—

“Philadelphia, October 27, 1774.

“Dear Sir. Yesterday the congress broke up. You will immediately know their proceedings from publications.

Independence not desired by the colonies.

Letter of
Hon. John
Dickinson,
of Pa., to
Dr. Arthur
Lee, in
London,
1774.

Position of
the colo-
nists.

Their una-
nimity and
determina-
tion.

Ministry
must not
be sus-
tained.

The crisis
appre-
hended.

“The colonists have now taken such grounds that Great Britain must relax, or inevitably involve herself in a civil war, likely in all human probability to overwhelm her with a weight of calamities, in comparison of which, the contentions between the houses of *York* and *Lancaster*, or the distractions of the last century, were gentle misfortunes.

“A determined and unanimous resolution animates this continent, firmly and faithfully to support the common cause to the utmost extremity, in this great struggle for the blessing of liberty—a blessing that can alone render life worth holding.

“I grieve for the fate of a brave and generous nation, plunged by a few profligate men into such scenes of unmerited and inglorious distress. Let her rouse her noble spirit, be true to herself, and she cannot fail of being true to us. Let her not so far adopt the schemes of base yet visionary men and knaves, that she may think her dignity concerned to maintain the projects of those whom her justice commands her to punish.

“Give up the *Butes*, *Mansfields*, *Norths*, *Bernards*, and *Hutchinsons*, whose falsehoods and misrepresentations have inflamed the people: Call not their cause the cause of Great Britain: Throw all errors and occasions of dissatisfactions on their guilty heads. A new ministry of such a character that England and America both can trust, may do great things; especially if a considerable change be made at the next general election. Why should nations meet with hostile eyes because villains and idiots have acted like villains and idiots.

“I wish for peace ardently, but must say, delightful as it is, it will come more grateful as being unexpected. *The first act of violence*, on the part of administration, in America, or the attempt to reinforce General Gage this winter, or next year, will put the whole continent in arms from *Nova Scotia* to *Georgia*. May God, of

his infinite mercy, grant a happy event to these afflicting agitations.

Your friend,

“JOHN DICKINSON.”

“P. S. It is suspected here that a design is regularly prosecuted by the ministry, to make his majesty dethrone himself, by the calamities and convulsions his reign is likely to bring on his whole people. Please to inform me what is thought on this point in England.”

While such was the posture of affairs in America, the proceedings which were going on in Great Britain were equally interesting and important. At a meeting of the *Society of the Supporters of the Bill of Rights*, held in London tavern,* the right honorable the lord mayor of the city of London, in the chair, it was—

“RESOLVED *unanimously*, that the liberties, franchises, and chartered rights of our fellow-subjects in America are so nearly connected with those of Great Britain that the subversion of either must prove equally fatal to both.

“RESOLVED, *unanimously*, that it be earnestly recommended to such members of this society who have seats in parliament, to exert themselves in bringing to the justice of their country, the advisers of measures for establishing arbitrary government over our affectionate fellow-subjects in America, by taxing them without their consent, refusing them a trial by jury, *establishing popery*, and taking from them the right of the habeas corpus act, and to obtain for that much injured people a full redress of grievances.

“By order of the Society,

“JOHN WILKES, *Chairman*.”

The merchants also of London and of Bristol, the manufacturers of Manchester, Sheffield, and Birmingham, and the traders and planters of the West Indies, all felt the disastrous effects of the suspension of their trade with the colonies, while thousands of the people were thrown out of employment, and deprived even of

Posture of
affairs and
proceed-
ings in
England,
* Jan. 7th,
1775.

Proceed- the means of subsistence. Parliament was now flooded
ings in with petitions from these several sources, praying them
parlia- to adopt such measures as should have a tendency to
ment, Jan- to re-open the commercial intercourse between the two
uary, 1775.

* 1 Amer- countries, and thus avert the ruin and misery which
ican Ar- threatened to overwhelm them.* The address of the
chives, American congress to the king had been transmitted
1145. and presented to him, but regarding them as an illegal
body, he refused to receive it, and referred it to parlia-
ment. Parliament also refused, for the same reason,
to give it their attention.

It was but reasonable to suppose, that coming before
the crown, or into the councils of the nation, as it did,
with such an array of popular sentiment in favor of the
position taken by the colonies, the petition of so respect-
able a body so fully empowered, as the colonial con-
gress, would have received some consideration. But it
was rejected, and the petitions of her own subjects at
home were scarcely regarded, by men claiming to be the
servants of the state, but "who had never looked at
the whole of the complicated interests of the kingdom
in one connected view: who had taken things by bits
and scraps, just as they pressed, without regard to their
relations and dependencies: who never had any sys-
tem, right or wrong, but only occasionally invented some
miserable tale of the day, in order meanly to sneak out
of difficulties into which they had proudly strutted."*

* Burke.

Lord Chat-
ham's mo-
tion to re-
call the
troops
from Bos-
ton.
House of
Lords, Jan-
uary, 1775.

The cause of America found an able and eloquent
champion in Lord Chatham. Lord Dartmouth, now
secretary of state for the American department, had
submitted sundry documents to the house of lords,
among which, undistinguished by any particular refer-
ence, was the petition of the congress to the king.
Lord Chatham thereupon moved an address to the
king to recall his majesty's troops from Boston.
"When your lordships," he said, "look at the papers
transmitted us from America, when you consider their
decency, firmness, and wisdom, you cannot but respect

their cause and wish to make it your own ; for myself, I must declare and avow that, in all my reading and observations, and it has been my favorite study—I have read Thucidydes, and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to *the general congress at Philadelphia*. I trust it is obvious to your lordships, that all attempts to impose servitude on such men, to establish despotism over such a mighty continental nation, must be vain, must be futile. We shall be forced ultimately to retract, let us retract whilst we can, not when we must. I say we must necessarily undo these violent and oppressive acts ; *they must be repealed*, you will repeal them. I pledge myself for it, that you will in the end repeal them. I stake my reputation on it. I will consent to be taken for an idiot if they are not finally repealed. Avoid then this humiliating, disgraceful necessity, with a dignity becoming your exalted situation ; make the first advances to concord, to peace and happiness ; for that is your true dignity, to act with prudence and with justice. That you should first concede is obvious from sound and rational policy. Concession comes with better grace, and more salutary effect, from the superior power. It reconciles superiority of power with the feelings of men, and establishes solid confidence in the foundation of affection and gratitude.”

Proceedings in parliament,
House of Lords,
Jan. 1775.

Lord Chat-
ham's
speech on
his motion
to recall
the troops
from Bos-
ton.

Concession
necessary
and politic.

“The Americans, sore under injuries and irritated by wrongs, stripped of their inborn rights and dearest privileges, have resisted oppression, and entered into confederacies to preserve their common liberties. Under this idea, the colonists have appointed men competent to so great an undertaking, to consider and devise the most effectual means for maintaining so inestimable a blessing. Invested with this right by the choice of a free people, these delegates have deliberated with

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Proceed-
ings in par-
liament,
House of
Lords,
Jan. 1775.

Lord Chat-
ham's
speech on
his motion
to with-
draw the
troops
from Bos-
ton.

Their cause
the cause
of consti-
tutional
rights.

Proceed-
ings
against
Boston,

prudence, with wisdom, and with spirit; and, in consequence of these deliberations, have addressed the justice and the honor of their country. This is their fault, *this is their crime; they have petitioned for that without which a free people cannot possibly exist.* Much has been said of late about the authority of parliament. Its acts are held up as sacred edicts, demanding implicit submission, because, if the supreme power does not lodge somewhere operatively and effectively, there must be an end to all legislation. But they who thus argue, or rather dogmatise, do not see the whole of this question on great, wise, and liberal grounds. In every free state the constitution is *fixed*, and all legislative power and authority, wheresoever placed, either in collective bodies or individuals, must be derived under the established polity from which they are framed. Therefore, however strong and effective acts of legislation may be, when they are formed in the spirit of this constitution, yet when they resist its principles, or counteract its provisions, they attack their own foundation; for it is the constitution, and *the constitution only*, which limits both sovereignty and allegiance. This doctrine is no temporary doctrine, taken up on particular occasions, to answer particular purposes; it is involved in no metaphysical doubts and intricacies; but clear, precise, and determinate; it is recorded in all our law books; it is written in the great volume of nature; it is the essential and unalterable right of Englishmen, and accords with all the principles of justice and civil policy, which neither armed force on the one side, nor submission upon the other, can, upon any occasion, eradicate. Dreadful will be the effects of coercive measures. Government has sent an armed force of above seventeen thousand men to *draggon the Bostonians* into what is call their duty. Ministers, so far from turning their eyes to the impolicy and dreadful consequences of this scheme, are constantly sending out more troops, and declaring, in the

language of menace, that if seventeen thousand men cannot, *fifty thousand shall enforce* obedience. So powerful an army may ravage the country, and waste and destroy as they march; but in the progress of seventeen hundred miles can they occupy the places that they have passed? Will not a country, which can produce three millions of people, wronged and insulted as they are, start up like hydras in every corner, and gather fresh strength from fresh opposition? If the ministers thus persevere in misadvising and misleading the king, I will not say that they can alienate the affections of his subjects from his crown, but I will affirm, that they will make the crown not worth his wearing. I will not say that the king is betrayed, but I will pronounce that *the kingdom is undone*. I have crawled to tell you my opinion. I think it my duty to give the whole of my experience and counsel to my country at all times, but more particularly when it so much needs political guidance. Having thus entered on the threshold of this business, I will knock at your gates for justice, and never stop, unless infirmities should nail me to my bed, until I have at least employed every means in my power to heal those unhappy divisions. Every motive of equity and of policy, of dignity and of prudence, urges you to allay the ferment in America, by the removal of your troops from Boston; by a repeal of your acts of parliament, and a demonstration of amicable dispositions towards your colonies."

Proceedings in parliament, House of Lords, Jan. 1775.

Lord Chatham's speech on his motion to recall the troops from Boston.

Notwithstanding it was accompanied with such an able and cogent argument in favor of the measures it proposed, the motion was rejected by a large majority, and the ministerial party avowed their determination to enforce obedience by arms. But Lord Chatham still persevered in recommending pacific and conciliatory measures. He now moved "That an humble address be presented to his majesty, most humbly to advise and beseech his majesty, that in order to open the way towards a happy settlement of the dangerous troubles

Motion for an address to the king.

Proceedings in parliament, House of Lords, Jan. 1775. in America, by beginning to allay ferments, and soften animosities there; and, above all, for preventing in the meantime, any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town; it may graciously please his majesty that immediate orders may be dispatched to General Gage for removing his majesty's forces from the town of Boston, as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable." This motion was defeated. He subsequently introduced a bill entitled "A provisional act for settling the troubles in America, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies,"—wherein it was proposed—to repeal all the obnoxious acts of parliament; relative to America,—to restrain the powers of the courts of admiralty within their former limits—to re-establish the right of trial by jury in such cases where it had been abolished—and that the judges should hold their offices and receive their compensation during good behaviour. In a word, it conceded generally the rights and immunities claimed by the colonies, while it insisted on the supremacy of the mother country. The measure was violently opposed and rejected.

Provisional act of conciliation, proposed by Lord Chat-ham.

House of Commons.

Lord North moves an address declaring Mass. Bay in rebellion.

On the same day *Lord North* presented to the House of Commons, by his majesty's command, sundry papers relating to and embodying proceedings in various provinces of the American colonies, received from General Gage, as late as the fourth of January, 1775. On the second day of February the house resolved itself into a committee of the whole "to consider further of the said several papers, so submitted;" whereupon *Lord North*, after a few prefatory remarks, moved an address to the king, declaring Massachusetts Bay to be "in a state of actual rebellion against the authority of the supreme legislature, countenanced and encouraged by

unlawful combinations and engagements, entered into by his majesty's subjects in several of the other colonies, to the injury and oppression of many of their innocent fellow-subjects resident within the kingdom of Great Britain, and the rest of his majesty's dominions," &c.

Proceedings in parliament, House of Commons, Feb., 1775.

In the course of the debate which followed this motion, which was continued for several days, the Americans generally were called rebels, and the dominant ministerial party boldly contended that by commencing effective military operations in Massachusetts Bay the other colonies would at once yield to the power of parliament.

The Americans stigmatized as rebels.

The motion finally prevailed, and an address was prepared, and presented by a committee composed of members from both houses, to the king, as follows:

Lord North's motion carried.

"Most Gracious Sovereign :

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in parliament assembled, return your majesty our most humble thanks for having been graciously pleased to communicate to us the several papers relating to the present state of the British colonies in America, which, by your majesty's commands have been laid before us.

Address to the king, Feb., 1775.

"We have taken them into our most serious consideration, and we find that a part of your majesty's subjects, in the province of the *Massachusetts Bay*, have proceeded so far to resist the authority of the supreme legislature that a rebellion at this time actually exists within the said province: And we see, with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements entered into by your majesty's subjects in several of the other colonies to the injury and oppression of many of their innocent fellow-subjects, resident within the kingdom of *Great Britain*, and the rest of your majesty's dominions. This conduct, on their part, appears to us the more inexorable when we consider with how much

Massachusetts Bay declared to be in rebellion.

Proceedings in parliament, House of Commons, Feb., 1775. The address to the king.

The supremacy of parliament to be vindicated.

Protest of the opposition in the House of Lords, Feb., 1775.

1. To the violent matter of the address.

temper your majesty and the two houses of parliament have acted in support of the laws and constitution of Great Britain. We can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all your majesty's dominions, which by law is vested in your majesty and the two houses of parliament; and the conduct of many persons in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is for the protection of the lives and fortunes of all your majesty's subjects.

"We ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of your majesty's subjects, which shall, in a dutiful and constitutional manner, be laid before us: And whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence. At the same time we consider it as our indispensable duty humbly to beseech your majesty that you will take the most effectual measures to enforce due obedience to the laws and authority of the *supreme legislature*; and we beg leave, in the most solemn manner to assure your majesty that it is our fixed resolution, at the hazard of our lives and properties, to stand by your majesty, against all rebellious attempts, in the maintenance of the just rights of your majesty, and the two houses of parliament."

The opposition in the House of Lords, entered a protest against the address, because, in the language of the protest,

"*First.* The violent matter of this dangerous address was highly aggravated by the violent manner in which it was precipitately hurried through the house: Lords were not allowed the interposition of a moment's time for deliberation before they were driven headlong into a civil war. A conference was held with the commons, an address of this importance presented, all extraneous information, although offered, positively refused; all

petitions arbitrarily rejected; and the hole of this most awful business received, debated, and concluded, in a single day.

“*Secondly.* Because no legal grounds were laid in argument, or in fact, to show that a rebellion, properly so called, did exist in Massachusetts Bay, when the papers of the latest date, and from whence alone we derive our information, were written. The overt acts to which the species of treason, affirmed in the address, ought to be applied, were not established, nor any offenders marked out. But a general mass of the acts of turbulence, said to be done at various times and places, and of various natures, were all thrown together to make out one general constructive treason. Neither was there any sort of proof of the continuance of any unlawful force from whence we could infer that a rebellion does now exist. And we are the more cautious of pronouncing any part of his majesty’s dominions to be in actual rebellion, because the cases of constructive treason, under that branch of the 25th of Edward the Third, which describes the crime of rebellion, have been already so far extended by the judges, and the distinctions thereupon so nice and subtle, that no prudent man ought to declare any single person in that situation, without the clearest evidence of uncontrovertible overt acts, to warrant such a declaration. Much less ought so high an authority as both houses of parliament, to denounce so severe a judgment against a considerable part of his majesty’s subjects, by which his forces may think themselves justified in commencing a war without any further order or commission.

“*Thirdly.* Because we think that several acts of the last parliament, and several late proceedings of administration, with regard to the colonies, are real grievances, and just causes of complaint; and we cannot, in honour or in conscience, consent to an address which commends the temper by which proceedings so very intemperate have been carried on; nor can we persuade

Proceedings in parliament.

Protest of the opposition to the address, House of Lords, Feb., 1775.

2. Because its charges against Mass. Bay are unfounded.

3. Because the grievances complained of by the colonies are real.

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ORIGIN AND CAUSES OF THE REVOLUTION.

Proceedings in parliament.

Protest of the opposition to the address, House of Lords, Feb., 1775.

4. The address is too vague.

The ministry committed to the same offensive measures.

Lastly. Want of confidence in ministers.

ourselves to authorize violent courses against persons in the colonies, who have resisted authority, without at the same time redressing the grievances which have given but too much provocation for their behavior.

“Fourthly. Because we think the loose and general assurances given by the address, of future redress of grievances in case of submission, are far from satisfactory, or at all likely to produce their end, whilst the acts complained of continue unrepealed, or unamended, and their authors remain in authority here; because these advisers of all the measures which have brought on the calamities of this empire, will not be trusted while they defend, as just, necessary, and even indulgent, all the acts complained of as grievances by the Americans. And must, therefore, on their own principles, be bound in future to govern the colonies in the manner which has already produced such fatal effects; and we fear that the refusal of this house, so much as to receive, previous to determination, (which is the most offensive mode of rejection) petitions from the unoffending natives of Great Britain and the West India Islands, affords us but a very discouraging prospect of our obtaining hereafter any petitions at all, from those whom we have declared actors in rebellion, or abettors of that crime.

“Lastly. Because the means of enforcing the authority of the British legislature, is confined to persons of whose capacity, for that purpose, from abundant experience, we have reason to doubt; and who have hitherto used no effectual means of conciliating, or of reducing those who oppose that authority; this appears in the constant failure of all their projects, the insufficiency of all their information, and the disappointment of all the hopes which they have for several years held out to the publick. Parliament has never refused any of their proposals, and yet our affairs have proceeded, daily, from bad to worse until we have been brought, step by step, to that state of confusion, and even civil violence,

which was the natural result of these desperate measures.

"We therefore protest against an address amounting to a declaration of war, which is founded on no proper parliamentary information; which was introduced by refusing to suffer the presentation of petitions against it, (although it be the undoubted right of the subject to present the same,) which followed the rejection of every mode of conciliation; which holds out no substantial offer of redress of grievances; and which promises support to those ministers who have inflamed America and grossly misconducted the affairs of Great Britain.

RICHMOND.

COURTENAY.

EFFINGHAM.

CRAVEN.

ABINGDON.

STANHOPE.

ARCHER.

PORTLAND.

SCARBOROUGH.

ABERGAVERNY.

CAMBDEN.

FITZWILLIAM.

ROCKINGHAM.

TORRINGTON.

TANKERVILLE.

WYCOMBE.

PONSONBY.

CHOLMONDELEY.*

* 1 American Archives, 1586.

To this address the king replied, as follows, viz.:

"My Lords and Gentlemen: I thank you for this very dutiful and loyal address, and for the affectionate and solemn assurances you give me of your support, in maintaining the just rights of my crown, and of the two houses of parliament; and you may depend on my taking the most speedy and effectual measures for enforcing due obedience to the laws and the authority of *the supreme legislature.*

The king's reply to the address.

Guarantees the supremacy of parliament.

"Whenever any of my colonies shall make a proper and dutiful application, I shall be ready to concur with you in affording them any just and reasonable indulgence; and it is my ardent wish that this disposition on our part may have a happy effect on the temper and conduct of my subjects in America."

Disposition to indulge the colonies.

Such was the position taken by the ministerial party, in the two houses of parliament, and sanctioned by the crown, relative to the grievances complained of in America at this time. The tone of the debate on the

Position of the ministerial party.

Proceed-
ings in par-
liament,
Feb. 1775.

The una-
voidable
results un-
foreseen.

The crisis
in Amer-
ica.

* 1775.

part of the administration was passionate, bitter, vindictive and desperate; while on the part of the opposition, as also in the protest, it was calm, considerate, conciliatory and hopeful. But the result was decisive of far more important interests, and far-reaching sequences, than had entered into the contemplation or imaginations of either. Without any anticipation of it in the parent state, without any pre-determination of it in the colonies, the seal of severance was thus set to their political relations with the mother country. No human wisdom even at this time foresaw it, no human forethought had as yet pre-judged it. All parties, indeed, on both sides of the Atlantic, felt that a fearful crisis was impending, that a terrible conflict was at hand. But the wise and the good, and even the rash and the headstrong, in the mother country, relied upon the resolution of harmony under healthier councils; while reflecting men in America sought and hoped for nothing more or less than the concession and security of their constitutional rights and liberty, in a cherished dependency upon the crown of Great Britain.

At this crisis we return again to the colonies in America, and we find them just now advised of the reception given to their agents, and their congressional proceedings, by the crown, and in parliament, and of other measures adopted for their subjugation. Massachusetts Bay, it must be remembered, was the object and the theatre of the more immediate visitations of parliamentary legislation, and coercive power. In preparing to meet the exigencies of her situation the provincial assembly had raised troops and directed a collection of stores and ammunition to be deposited at Concord and Worcester. On the eighteenth of April,* General Gage, commander of his majesty's forces at Boston, ordered a detachment of his troops to take possession of these stores and ordnance. On the morning of the nineteenth, as they entered Lexington, they came upon about one hundred and thirty of the

Lexington militia, who having been forewarned of the object of this detachment were gathered and parading on the common. Major Pitcairn, the leader of the British troops, rode up to them, and cried out "disperse ye rebels, throw down your arms and disperse." They still held their ground, however, when the British major advanced nearer, discharged his pistol among them, and ordered his men to fire. The militia were at first disposed to retire, but finding that they were still fired upon, stood, and returned the fire, and several were killed on both sides. The detachment proceeded towards Concord, where they encountered a number of militia-men under the command of Major Butterick, who, not knowing what had already taken place at *Lexington*, ordered his men not to fire unless they were first fired upon by the troops of his majesty. As the regulars advanced and came nearer to the Americans, the king's troops fired and killed a captain and private of the American military. At this the American troops gave battle and compelled them to commence a retreat towards Boston. Sixty-five of the king's army were killed and twenty-eight were taken prisoners, while of the provincials fifty were killed and thirty-eight wounded. Thus was the unnatural contest provoked by aggression and stained with blood.

Proceed-
ings in the
colony of
Mass. Bay.

Conflict of
arms at
Lexington
and Con-
cord, April
1775.

See Jour-
nals of
Congress,
1775.

The assembly of Massachusetts Bay, being now in session, immediately transmitted an account of this battle to Great Britain, accompanied with abundant proof that the British troops were the aggressors. They also prepared an address to the people of Great Britain, wherein, after enumerating again the wrongs and oppressions which they had endured, they say—"these have not detached us from our royal sovereign: We profess to be his loyal and dutiful subjects, and though hardly dealt with as we have been, are still ready, with our lives and fortunes, to defend his person, crown and dignity; nevertheless, to the persecution and tyranny of his civil ministry, we will not tamely submit. Appealing

Address of
Mass. Bay
to the peo-
ple of
Great Brit-
ain.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Meeting of the colonial congress at Philadelphia, May 10, 1775. to heaven for the justice of our cause we determine to die or be free."

Such was the aspect of affairs, both in England and America, when the colonial congress again assembled at Philadelphia, to "take into consideration the state of America." The delegates who, agreeable to their appointment, and the orders received from their respective colonies, met in this congress were, from
 Names of delegates. NEW HAMPSHIRE, Mr. John Sullivan, Mr. John Langdon.

MASSACHUSETTS BAY, Messrs. John Hancock, Thomas Cushing, Samuel Adams, John Adams, Robert Treat Paine.

CONNECTICUT, Messrs. Eliphalet Dyer, Roger Sherman, Silas Deane.

NEW YORK, Philip Livingston, James Duane, John Alsop.

NEW JERSEY, James Kinsey, Stephen Crane, William Livingston, John De Hart, Richard Smith.

PENNSYLVANIA, Edward Biddle, John Dickinson, Thomas Mifflin, Charles Humphreys, John Morton, George Ross, Benjamin Franklin, Thomas Willing.

DELAWARE, Cæsar Rodney, Thos. McKeane, Geo. Read.

MARYLAND, Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, John Hall.

VIRGINIA, Peyton Randolph, George Washington, Richard Henry Lee, Edmund Pendleton, Benjamin Harrison, Richard Bland.

NORTH CAROLINA, William Hooper, Joseph Hewes, Richard Caswell.

SOUTH CAROLINA, Henry Middleton, Thomas Lynch, Christopher Gadsden, John Rutledge, Edward Rutledge.

The Hon. Peyton Randolph was unanimously chosen president, and Charles Thomson secretary. Mr. Randolph subsequently* resigned his place, to return to Virginia as speaker of the provincial assembly, when

* May 19.

John Hancock of Massachusetts was elected to the presidency of the congress.

One of the first acts of this congress was the appointment of a committee to prepare a resolution for a general fast, which was reported on the tenth day of June, agreed to, and published, as follows, viz.:

The colonial congress at Philadelphia, May 10, 1775.

“As the Great Governor of the world, by his supreme and universal providence, not only conducts the course of nature with unerring wisdom and rectitude, but frequently influences the minds of men to serve the wise and gracious purposes of his providential government; and it being at all times our indispensable duty devoutly to acknowledge his superintending providence, especially in times of imminent danger and public calamity, to reverence and adore his immutable justice, as well as to implore his merciful interposition for our deliverance:

“This congress, therefore, considering the present critical, alarming, and calamitous state of these colonies, do earnestly recommend that Thursday, the twentieth day of July next, be observed by the inhabitants of all the *English* colonies on this continent, as a day of *public humiliation, fasting, and prayer*; that we may with united hearts and voices, unfeignedly confess and deplore our many sins; and offer up our joint supplications to the All-wise, Omnipotent, and merciful Disposer of all events, humbly beseeching him to forgive our iniquities; to remove our present calamities; to avert those desolating judgments with which we are threatened; and to bless our rightful sovereign, King *George the third*, and to inspire him with wisdom to discern and pursue the true interest of his subjects, that a speedy end may be put to the civil discord between *Great Britain* and the *American colonies* without further effusion of blood. And that the *British* nation may be influenced to regard the things that belong to her peace, before they are hid from her eyes; That these colonies may ever be

Recognition of Christianity by proclamation for a general fast.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, May 10, 1775.

under the care and protection of a kind Providence, and be prospered in all their interests ; that the divine blessing may descend and rest upon all our civil rulers, and upon the representatives of the people in their several assemblies and conventions, that they may be directed to wise and effectual measures for preserving the Union, and securing the just rights and privileges of the colonies ; that virtue and true religion may revive and flourish throughout our land ; and that all *America* may soon behold a gracious interposition of Heaven for the redress of her many grievances ; the restoration of her invaded rights ; a reconciliation with the parent state, on terms constitutional and honorable to both ; and that her civil and religious principles may be secured to the latest posterity. And it is recommended to christians of all denominations to assemble for public worship, and to abstain from servile labour and recreation, on that day.

* Journals of Congress, 1775, p. 117.

“ORDERED, That a copy of the above be signed by the president, and attested by the secretary, and published in the newspapers and in handbills.”*

Federal powers assumed by Congress.

The most important matter which pressed upon the immediate attention of the congress, related to the raising and support of an army, and making preparations for the general defence. This called for the exercise of federative powers, for which no special provision had been made in the credentials of members, and with which the congress had not been formally invested by the colonies. They therefore necessarily assumed the exercise of such prerogatives as the exigencies of the nation, so to speak, imperatively required. They accordingly enacted an army bill, providing for the enlistment of troops, the construction of forts at desirable points in the several colonies, the supply of arms, munitions, and military stores, and other appliances necessary for the general defence. They also authorized the emission of bills of credit to the amount of \$2,000,000, for the redemption of which

Issue and form of bills of credit.

they pledged the faith of the *United Colonies*. The form of these bills was thus :

“CONTINENTAL CURRENCY.

No. ———. ——— ——— Dollars.

“This bill entitles the bearer to receive * * * * Spanish Milled Dollars, or the value thereof, in gold or silver, according to the resolutions of the Congress, held at Philadelphia, on the 10th day of May, A. D. 1775.”

The colonial congress at Philadelphia, May 10, 1775.

The formation of the army, however, was not a matter unattended with difficulty. “The situation of the troops already raised in New England, and now actually besieging Boston, and which had been tendered to congress, became an early and absorbing consideration. It was without munitions of war, without arms, clothing, or pay; in fact, without legislative countenance or encouragement. Unless sanctioned and assisted by the congress, there was danger of its dissolution. If dissolved, how could another be collected? If dissolved, what would there be to prevent the British from sallying out of Boston, and spreading desolation throughout the country? All this was the subject of much discussion out of doors. But the more difficult question was, “who should be commander-in-chief?”*

Formation of a colonial army.

The army in Mass. Bay.

* See 1 Irving's Washington.

Mr. Adams, in his *diary*, gives us glimpses of the conflict of opinions and interests within doors. “There was a southern party,” he says, “which could not brook the idea of a New England army, commanded by a New England general. Whether this jealousy was sincere, or whether it was mere pride, and a haughty ambition of furnishing a southern general to command the northern army, I cannot say; but the intention was very visible to me, that Colonel Washington was their object; and so many of our staunchest men were in the plan, that we could carry nothing without conceding to it. There was another embarrassment, which was never publicly known, and which was care-

Who shall be commander-in-chief?

Embarrassment of the question.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, May 10, 1775.

Formation of the colonial army.

fully concealed by those who knew it. The Massachusetts and other New England delegates were divided. Mr. Hancock and Mr. Cushing hung back. Mr. Paine did not come forward, and even Mr. Samuel Adams was irresolute. Mr. Hancock himself had an ambition to be appointed commander-in-chief. Whether he thought an election a compliment due to him, and intended to have the honor of declining it, or whether he would have accepted it, I know not. To the compliment he had some pretensions, for, at that time, his exertions, sacrifices, and general merits in the cause of his country, had been incomparably greater than those of Colonel Washington. But the delicacy of his health, and his entire want of experience in actual service, though an excellent militia officer, were decisive objections to him in my mind.

Who shall be commander-in-chief?

“General Charles Lee was at that time in Philadelphia. A former visit had made him well acquainted with the leading members of congress. He was well known to have manifested an active interest in the cause of the colonies, and the public had an almost extravagant idea of his military qualifications. He was of foreign birth, however, and it was deemed improper to confide the supreme command *to any but a native-born American.*”

General sentiment in favor of Washington.

“The opinion evidently predominated in favor of Washington; yet it was promoted by no clique of partizans or admirers. More than one of the Virginia delegates were cool on the subject of his appointment, and particularly Mr. Pendleton was clear and full against it.”* It is scarcely necessary to add, says Irving, “that Washington in this, as in every other situation in life, made no step in advance to clutch the impending honor.”

* Diary of John Adams, vol. 2.

See 1 Irving's Washington, 450.

“Mr. Adams, in his diary, claims the credit of bringing the members of congress to a decision. Rising in his place, one day, and stating briefly, but earnestly, the exigencies of the case, he moved that congress

should adopt the (New England) army at Cambridge, and appoint a general. Though this was not the time to nominate the person, 'yet,' he adds, 'as I had reason to believe this was a point of some difficulty, I had no hesitation to declare that I had but one gentleman in my mind for that important command, and that was a gentleman from Virginia, who was among us, and very well known to all of us; a gentleman whose skill and experience as an officer, whose independent fortune, great talents, and excellent universal character, would command the approbation of all America, and unite the cordial exertions of all the colonies, better than any other person in the Union. Mr. Washington, who happened to sit near the door, as soon as he heard me allude to him, from his usual modesty, darted into the library-room. Mr. Hancock, who was our president, which gave me an opportunity to observe his countenance; while I was speaking on the state of the colonies, the army at Cambridge, and the enemy, he heard me with visible pleasure; but when I came to describe Washington for the commander, I never remarked a more sudden and striking change of countenance. Mortification and resentment were expressed as forcibly as his face could exhibit them.

The colonial congress at Philadelphia, May 10, 1775.

Formation of the colonial army; election of commander-in-chief.

George Washington nominated by Mr. Adams.

His nomination how received.

"When the subject came under debate, several delegates opposed the appointment of Washington, not from personal objections, but because the army were all from New England, and had a general of their own, General Artemas Ward, with whom they appeared well satisfied; and under whose command they had proved themselves able to imprison the British army in Boston, which was all that was to be expected or desired."*

* 1 Irving's Washington; John Adams' Diary, vol. 2.

The subject, however, was postponed, and further deliberated and discussed until the fifteenth day of June, when it was

"RESOLVED, That a general be appointed to command all the continental forces raised, or to be raised,

Resolution to go into an election.

The colonial congress at Philadelphia, May 10, 1775. Washington elected general.

for the defence of American liberty. That five hundred dollars per month be allowed for his pay and expenses."

Whereupon the congress proceeded to the choice of a general, when George Washington, Esquire, was unanimously elected, after which the congress adjourned to the sixteenth inst.

Washington notified of his election, June 16th.

Friday, June sixteenth, 1775. The congress met pursuant to adjournment. The president, from the chair, informed Washington that he had the orders of the congress to acquaint him that the congress had, by an unanimous vote, made choice of him to be General and Commander-in-Chief, to take the supreme command of the forces raised, and to be raised, in defence of *American liberty*, and desired his acceptance of it.

To which Colonel Washington, standing in his place, answered:

His acceptance.

"Mr. President. Though I am truly sensible of the high honor done me, in this appointment, yet I feel great distress, from a consciousness that my abilities and military experience may not be equal to the extensive and important trust. However, as the congress desire it, I will enter on the momentous duty, and exert every power I possess in their service, and for support of the glorious cause. I beg they will accept my most cordial thanks for this distinguished testimony of their approbation.

"But, lest some unlucky event should happen unfavorable to my reputation, I beg it may be remembered, by every gentleman in the room, that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honored with.

"As to pay, Sir, I beg leave to assure the congress, that as no pecuniary consideration could have tempted me to accept this arduous employment, at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. Those, I doubt not, they will discharge, and that is all I desire.*

* 2. American Archives, 1848.

Mr. Lee, Mr. E. Rutledge, and Mr. J. Adams, were then appointed a committee to draft a commission and instructions for the general; which were subsequently reported and adopted as follows:

“IN CONGRESS.—The Delegates of The United Colonies of New Hampshire; Massachusetts Bay; Rhode Island; Connecticut; New York; New Jersey; Pennsylvania; the counties of New Castle, Kent and Sussex on Delaware; Maryland; Virginia; North Carolina and South Carolina; in congress assembled.

The colonial congress at Philadelphia, May 10, 1775.

Committee on commission, &c.

Report of the committee.

“TO GEORGE WASHINGTON, ESQ.:

“We, reposing special trust and confidence in your patriotism, valour, conduct and fidelity, do, by these presents, constitute and appoint you to be General and Commander-in-Chief of the army of the United Colonies, and of all the forces now raised, or to be raised, by them, and of all others who shall voluntarily offer their service and join the said army for the defence of *American liberty*, and for repelling every hostile invasion thereof. And you are hereby vested with full power and authority to act as you shall think for the good and welfare of the service.

The commission as adopted.

“*And we do hereby* strictly charge and require all officers and soldiers under your command, to be obedient to your orders, and diligent in the exercise of their several duties.

“*And we do also* enjoin and require you to be careful in executing the great trust reposed in you, by causing strict discipline and order to be observed in the army; and that the soldiers be duly exercised, and provided with all convenient necessaries. And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions, from time to time, as you shall receive from this or a future congress of these United Colonies, or committee of congress.

The colonial congress at Philadelphia, May 10, 1775. Formation of the colonial army.

"This commission to continue in force until revoked by this or a future congress.

"By order of the congress.

"*Philadelphia, June 17, 1775.*"

Immediately on the adoption of this report of the committee, and ordering it to be engrossed and delivered to the general, it was further

Resolution to adhere to the commander-in-chief.

"RESOLVED *unanimously*, upon the question, *Whereas*, the delegates of all the colonies, from Nova Scotia to Georgia; in congress assembled, have unanimously chosen George Washington, Esq., to be general and commander-in-chief of such forces as are, or shall be, raised for the maintenance and preservation of American liberty; *this congress doth now declare* that they will maintain and assist him, and adhere to him, the said George Washington, Esq., with their lives and fortunes in the same cause."

Election of other army officers.

The congress then proceeded to the choice of other officers in the army, by ballot, when *Artemas Ward, Esq.*, was chosen first major-general.

Horatio Gates, Esq., adjutant-general with the rank of a brigadier-general.

Charles Lee, Esq., second major-general.

Instructions to General Washington.

Instructions to the commander-in-chief.

"TO GEORGE WASHINGTON, ESQ.:

"This congress having appointed you to be general and commander-in-chief of the army of the United Colonies, and of all the forces raised or to be raised by them, and of all others who voluntarily offer their service and join the said army for the defence of American liberty, and for repelling every hostile invasion thereof, you are to repair with all expedition to the colony of *Massachusetts Bay* and take charge of the army of the united colonies. For your better direction,

To make returns of forces.

"1. You are to make a return to us as soon as possible of all forces which you shall have under your command, together with their military stores and provisions.

And also, as exact an account as you can obtain of the forces which compose the British army in America.

"2. You are not to disband any of the men you find raised, until further direction from this congress; and if you shall think their numbers not adequate to the purpose of security, you may recruit them to a number you shall think sufficient, not exceeding double that of the enemy.

The colonial congress at Philadelphia, May, 1775.

To recruit the army.

"3. In all cases of vacancy occasioned by the death or removal of a colonel, or other inferior officer, you are by brevet, or warrant under your seal, to appoint another person to fill up such vacancy, until it shall otherwise be ordered by the provincial convention, or the assembly of the colony from whence the troops in which such vacancy happen shall direct otherwise.

To fill vacancies.

"4. You are to victual, at the continental expense, all such volunteers as have joined or shall join the united army.

To victual volunteers.

"5. You shall take every method in your power, consistent with prudence, to destroy or make prisoners of all persons who now are or hereafter shall appear in arms against the good people of the united colonies.

To destroy the enemy.

"6. And whereas, all particulars cannot be foreseen, nor positive instructions for such emergencies so beforehand given, but that many things must be left to your prudent and discreet management, as occurrences may arise upon the place, or from time to time fall out, you are, therefore, upon all such accidents, or any occasions that may happen, to use your best circumspection; and (advising with your council of war,) to order and dispose of the said army under your command as may be most advantageous for the obtaining the end for which these forces have been raised, making it your special care, in discharge of the great trust committed to you *that the liberties of America receive no detriment.*"*

Discretionary management.

* 3 Am. Archives, 1851.

At the request of General Washington, the congress increased the number of brigadier-generals to eight,

Additional officers chosen.

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The colonial congress at Philadelphia, May 10, 1775.

chosen as follows:—*Seth Pomeroy*, first; *Richard Montgomery*, second; *David Wooster*, third; *William Heath*, fourth; *Joseph Spencer*, fifth; *John Thomas*, sixth; *John Sullivan*, seventh; *Nathaniel Greene*, eighth; to receive their commissions through the hands of the general.*

* *Ibid.*

General governmental powers assumed and exercised by it.

Its political aspects.

It is not within the scope of my design in this work, to enter further into detail as to the formation of the continental army, or to note the military operations directed by the congress during the progress of the revolution. I refer to them thus far at this period simply as illustrative of the supreme administrative and legislative powers which were exercised by the colonial congress, without any formal delegation of such prerogatives to that body by the colonies, beyond the appointment of delegates to the convention which composed it. It was the initial revolutionary condition in their governmental history which preceded, and eventually produced the necessity of, a more substantial national organization. There probably never was an exercise of the prerogatives of sovereignty more complete or supreme, than that now assumed by this colonial congress: It really and virtually placed a whole continent in arms, and subjected the whole American people, as it were, to *martial law*. The fact that it thus assumed to itself, and exercised, these attributes of sovereignty while the colonies themselves were yet acknowledged dependencies upon the British crown, is worthy of especial remembrance. Its importance as a matter of veritable historical record will be more apparent, when we come to treat of that portion of our governmental history which is embraced in the fourth part of this work. In this connection, too, one of the most important acts of the congress, was the adoption of a manifesto setting forth the causes which had compelled them to resort to arms. It was reported by a committee appointed for the purpose, debated by paragraphs, and adopted July sixth, 1775, as follows, viz.:

"A DECLARATION *by the representatives of* THE UNITED COLONIES *of* NORTH AMERICA, *now met in congress at Philadelphia, setting forth the causes and necessity of their taking up arms:*

The colonial congress at Philadelphia, May 10, 1775.

"If it were possible for men who exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination, never rightfully resistible, however severe and oppressive; the inhabitants of these colonies might at least require from the parliament of Great Britain, some evidence that this dreadful authority over them had been granted to that body; but a reverence for our Great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The legislature of Great Britain, however, stimulated by an inordinate passion for power, not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom; and despairing of success in any mode of contest, where regard should be had to law, truth, or right; have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. Yet, however blinded that assembly may be by their intemperate rage for unlimited domination, so to slight justice in the opinion of mankind, we esteem ourselves bound by obligations to the rest of the world to make known the justice of our cause.

Manifesto on taking up arms, adopted July 6th.

Oppressions and designs of parliament.

The settlement of America.

"Our forefathers, inhabitants of the island of Great Britain, left their native land, to seek on these shores a residence for civil and religious freedom. At the expense of their blood at the hazard of their fortunes, without the

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least charge to the country from which they removed, by unceasing labour and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, vested with perfect legislatures, were formed under charters from the crown, and an harmonious intercourse was established between the colonies and the kingdom from which they derived their origin.

Benefits derived to England from the colonies.

“The mutual benefits of this union became in a short time so extraordinary as to excite astonishment. It is universally confessed that the amazing increase of the wealth, strength, and navigation of the realm, arose from this source; and the minister, who so wisely and successfully directed the measures of Great Britain in the late war, publicly declared that these colonies enabled her to triumph over her enemies. Towards the conclusion of that war, it pleased our sovereign to make a change in his councils. From that fatal moment, the affairs of the British empire began to fall into confusion, and, gradually sliding from the summit of glorious prosperity to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions that now shake it to its

Conduct of ministry toward the colonies.

deepest foundations. The new ministry finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and then subduing her faithful friends. These devoted colonies were judged to be in such a state as to present victories without bloodshed, and all the easy emoluments of statutable plunder. The uninterrupted tenor of their peaceable and respectful behaviour from the beginning of colonization; their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honorable manner by his majesty, by the late king, and by parliament, could not save them from the meditated innovations. Parliament was influenced to adopt

the pernicious project, and, assuming a new power over them, have in the course of eleven years given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken *to give and grant* our money without our consent, though we ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of admiralty and vice admiralty beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government established by charter, and secured by acts of its own legislature solemnly confirmed by the crown; for exempting the “murderers” of colonists from legal trial, and in effect, from punishment; for erecting in a neighboring province, acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in parliament, that colonists charged with committing certain offences, shall be transported to England to be tried.

“But why should we enumerate our injuries in detail? By one statute it is declared, that parliament can ‘of right make laws to bind us *in all cases whatsoever.*’ What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us; or is subject to our control or influence; but on the contrary they are all of them exempt from the operation of such laws; and an *American revenue*, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours. We saw the misery to which such despotism would

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Infringement of their rights by parliament.

Enumeration of offensive acts of parliament.

The revenue policy and its enforcement.

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* The colonial congress of 1774.

Massachusetts Bay declared to be in a state of rebellion.

reduce us. We for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with parliament in the most mild and decent language. Administration, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A congress of delegates from the united colonies was assembled at Philadelphia on the fifth day of last September.* We resolved again to offer an humble and dutiful petition to the king, and also addressed our fellow subjects of Great Britain. We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow subjects as the last peaceable admonition, that our attachment to no nation on earth would supplant our attachment to liberty. This we flattered ourselves was the ultimate step of the controversy, but subsequent events have shown how vain was this hope of finding moderation in our enemies. Several threatening expressions against the colonies were inserted in his majesty's speech: Our petition, though we were told it was a decent one, and that his majesty had been pleased to receive it graciously, and to promise laying it before his parliament, was huddled into both houses among a bundle of American papers, and there neglected. The Lords and Commons in their address in the month of February, said, that 'a rebellion at that time actually existed in the province of Massachusetts Bay, and that those concerned in it had been countenanced and encouraged by unlawful combinations, and engagements entered into by his majesty's subjects in several of the colonies, and therefore they besought his majesty that he would take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature.'"

“Soon after, the commercial intercourse of whole colonies with foreign countries was cut off by an act of parliament; by another, several of them were entirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their subsistence; and large reinforcements of ships and troops were immediately sent over to General Gage. Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers and commoners, who nobly and strenuously asserted the justice of our cause, to stay, or even to mitigate, the heedless fury, with which these accumulated outrages were hurried on. Equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns in our favor. Parliament adopted an insidious manœuvre calculated to divide us, to establish a perpetual auction of taxations, where colony should bid against colony, all of them uninformed what ransom would redeem their lives; and thus to extort from us, at the point of the bayonet, the unknown sums that would be sufficient to gratify, if possible to gratify, ministerial rapacity, with the miserable indulgence left to us of raising, in our own mode, the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies? In our circumstances to accept them, would be to deserve them.

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Acts for enforcing the commercial policy of taxation.

“Soon after the intelligence of these proceedings arrived on this continent, General Gage, who in the course of the last year had taken possession of Boston, in the province of Massachusetts Bay, and still occupied it as a garrison, on the nineteenth day of April, sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province, at the town of Lexington—as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment—murdered eight of the inhabitants, and

Movements of General Gage in Boston.

The conflict at Lexington and Concord.

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wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people, suddenly assembled to repel this cruel aggression. Hostilities thus commenced by the *British* troops, have been since prosecuted by them without regard to faith or reputation. The inhabitants of Boston being confined within that town, by the general their governor, and having, in order to procure their dismissal, entered into a treaty with him; it was stipulated that the said inhabitants, having deposited their arms with their own magistrates, should have liberty to depart, taking with them their own effects. They accordingly delivered up their arms, but in open violation of honor, in defiance of the obligation of treaties, which even savage nations esteem sacred, the governor ordered the arms, deposited as aforesaid that they might be preserved for their owners, to be seized by a body of soldiers, detained the greatest part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their most valuable effects behind. By this

Perfidy of Gen. Gage.

perfidy, wives are separated from their husbands, children from their parents, the aged and sick from their relations and friends who wish to attend and comfort them; and those who have been used to live in plenty, and even elegance, are reduced to deplorable distress:

His proclamation against Mass. Bay.

'The general, further emulating his ministerial masters, by a proclamation bearing date on the twelfth day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to *declare them all, either by name or description, to be rebels and traitors; to supersede the course of the common law, and instead thereof to publish and order the*

Butcheries and conflagrations.

use of the law martial. His troops have butchered our countrymen, have wantonly burnt Charlestown, besides a considerable number of houses in other places; our

ships and vessels are seized; the necessary supplies of provisions are intercepted; and he is exerting his utmost power to spread destruction and devastation around him. We have received certain intelligence, that General Carleton, the governor of *Canada*, is instigating the people of that province, and the Indians, to fall upon us; and we have but too much reason to apprehend that schemes have been formed to excite *domestic enemies* against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of *fire, sword, and famine*.

The colonial congress at Philadelphia, May 10, 1775. Manifesto on taking up arms, adopted July 6th. Combinations with the French and Indians.

“We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honor, justice, and humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them. Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge as signal instances of the Divine favour towards us, that his providence would not permit us to be called into this severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly, before God and the world, DECLARE, that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed upon us, the arms which we have been com-

The necessity of arming in defence.

Recognition of and reliance upon Providence.

The colonial congress at Philadelphia, May 10, 1775.

Manifesto on taking up arms, adopted July 6th.

They do not seek independence.

Conclusion.

pelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die as freemen rather than to live as slaves.

“Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death. In our own native land; in defence of the freedom that is our *birth-right*, and which we ever enjoyed till the late violation of it; for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves; against violence actually offered; we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before. With an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the universe, we most devoutly implore his Divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war.”

Such were the sublime and exalted motives which influenced the representatives of the American people

in the deliberations of this congress, and such the causes which arrayed the colonies in arms against their mother country. They had now arrived near to that crisis which was to define more positively their position, and settle for ever their relations with the parent state and with each other. Although the idea of a total separation of themselves from all dependence upon the crown of Great Britain, had been entertained in the provincial assemblies of some few of the colonies, the question was not yet agitated in the congress, nor does it seem to have been anticipated, certainly not desired or sought for by them, at this session. This is apparent not only from the foregoing manifesto, but also from all their other proceedings. Their renewed appeals to the king, and to the people of Great Britain, contain the strongest, most earnest, and unequivocal assurances of allegiance. These, it is true, were not adopted without opposition, still that opposition did not have its origin in any aim or desire for separation. Those opposed to these measures contended, "that the last petition of the congress to the king, contained all that their unhappy condition could suggest. It represented their grievances, implored redress, and professed their readiness to contribute to the general want, to the utmost of their abilities, when constitutionally required. But the ungracious reception of their petitions by the king, by ministry, and by parliament, seemed to close the door against further approach to them." They united, however, in another petition to his majesty and another address to the people of Great Britain. As important state papers, which mark their progress during the transition period of our governmental history, these documents become a part of this work, and cannot fail to interest and instruct the reader.

The colonial congress at Philadelphia, May 10 1775.

Separation from Great Britain not aimed at.

They unite in further petitioning the crown.

The petition to the king, being engrossed, was compared at the table, and signed by the several members, Saturday, July eighth, 1775. It reads as follows, viz. :
 Petition to the king, adopted July 8th.

The colonial congress at Philadelphia, May 10, 1775. Petition to the king, adopted July 8th.

“TO THE KING’S MOST EXCELLENT MAJESTY.

“Most Gracious Sovereign :

“We, your majesty’s faithful subjects of the colonies of New Hampshire ; Massachusetts Bay ; Rhode Island and Providence Plantations ; Connecticut ; New York ; New Jersey ; Pennsylvania ; the counties of New Castle, Kent and Sussex, on Delaware ; Maryland ; Virginia ; North Carolina and South Carolina ; in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general congress, entreat your majesty’s gracious attention to this our humble petition.

Benefits of their union with Great Britain.

“The union between our mother country and these colonies, and the energy of mild and just government, produced benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great Britain rising to a power the most extraordinary the world had ever known.

“Her rivals, observing that there was no probability of this happy connection being broken by civil dissensions, and apprehending its future effect if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of these settlements from which they were to be derived.

“In the prosecution of this attempt, events so unfavorable to the design took place, that every friend to the interest of Great Britain and these colonies, entertained pleasing and reasonable expectations of seeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the crown, and the removal of ancient and warlike enemies to a greater distance.

Services of the colonies in the French war.
* 1763.

“At the conclusion, therefore, of the late war,* the most glorious and advantageous that had ever been

carried on by British arms; your loyal colonists having contributed to its success by such repeated and strenuous exertions as frequently procured them the distinguished approbation of your majesty, of the late king, and of parliament, doubted not but that they should be permitted, with the rest of the empire, to share in the blessings of peace, and the emoluments of victory and conquest.

The colonial congress at Philadelphia, May 10, 1775.

Petition to the king, adopted July 8th.

“While these recent and honorable acknowledgments of their merits remained on record in the journals and acts of that august legislature, the parliament, undaunted by the imputation or even the suspicion of any offence, they were alarmed by a new system of statutes and regulations adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the danger of a foreign quarrel quickly succeeded by domestic danger, in their judgment of a more dreadful kind.

Revenue system of taxation.

“Nor were these anxieties alleviated by any tendency in this system to promote the welfare of their mother country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

Injurious to Great Britain.

“We shall decline the ungrateful task of describing the irksome variety of artifices produced by many of your majesty’s ministers, the delusive pretences, fruitless terrors, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitic plan, or of tracing, through a series of years past, the progress of the unhappy differences between Great Britain and these colonies, that have flowed from this fatal source.

Conduct of the ministry in the premises.

“Your majesty’s ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful

Compelled to arm in self-defence.

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The colonial congress at Philadelphia, May 10, 1775.

Petition to the king, adopted July 8th.

Deplore the necessity of self-defence.

Their respect for his majesty.

Attachment to the crown.

Perpetual union to the crown desired.

colonists, that when we consider whom we must oppose in this contest, and, if it continues, what may be the consequence, our own particular misfortunes are accounted by us only as parts of our distress.

“Knowing to what violent resentments, and incurable animosities, civil discords are apt to exasperate and inflame the contending parties, we think ourselves required, by indispensable obligations to Almighty God, to your majesty, to our fellow-subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British Empire.

“Thus called upon to address your majesty on affairs of such moment to America, and probably to all your dominions, we are earnestly desirous of performing this office with the utmost deference for your majesty; and we therefore pray your majesty’s royal magnanimity and benevolence may make the most favorable construction of our expressions on so uncommon an occasion. Could we represent in their full force the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect with a just attention to our own preservation against those artful and cruel enemies who abuse your royal confidence and authority, for the purpose of effecting our destruction.

“Attached to your majesty’s person, family, and government, with all the devotion that principle and affection can inspire; connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them; we solemnly assure your majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored, but that con-

cord may be established between them upon so firm a basis, as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries; and to transmit your majesty's name to posterity, adorned with that signal and lasting glory that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame.

The colonial congress at Philadelphia, May 10, 1775.

Petition to the king, adopted July 8th.

"We beg leave further to assure your majesty, that notwithstanding the sufferings of your loyal colonists during the course of this present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honor and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief being once removed, your majesty will find your faithful subjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your majesty, and of our mother country. We therefore beseech your majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions; with all humility submitting to your majesty's wise consideration, whether it may not be expedient for facilitating those important purposes, that your majesty be pleased to direct some mode by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for prevent-

Reassurances of allegiance.

Pray for the king's interference.

The colonial congress at Philadelphia, May 10, 1775.

ing the further destruction of the lives of your majesty's subjects ; and that such statutes as more immediately distress any of your majesty's colonies may be repealed. For by such arrangements as your majesty's wisdom can form for collecting the united sense of your American people, we are convinced your majesty would receive such satisfactory proofs of the disposition of the colonists toward their sovereign and parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects and the most affectionate colonists.

Conclusion of the petition to the king.

"That your majesty may enjoy a long and prosperous reign, and that your descendants may govern your dominions with honor to themselves and happiness to their subjects, is our sincere prayer."

The address to the inhabitants of Great Britain was read before the congress on the same day, debated by paragraphs, and approved, as follows, viz.:

* Georgia not represented.

"THE TWELVE UNITED COLONIES,* BY THEIR DELEGATES IN CONGRESS, TO THE INHABITANTS OF GREAT BRITAIN:

Address to the inhabitants of Great Britain, adopted July 8th.

"Friends, Countrymen, and Brethren! By these, and by every other appellation that may designate the ties which bind us to each other, we entreat your serious attention to this our second attempt to prevent their dissolution. Remembrance of former friendships, pride in the glorious achievements of our common ancestors, and affection for the heirs of their virtues, have hitherto preserved our mutual connection ; but when that friendship is violated by the grossest injuries ; when the pride of ancestry becomes our reproach, and we are no otherwise allied than as tyrants and slaves ; when reduced to the melancholy alternative of renouncing your favor or our freedom, can we hesitate about the choice ? Let the spirit of *Britons* determine.

General introductory appeal.

"In a former address* we asserted our rights, and stated the injuries we had then received. We hoped that the mention of our wrongs would have roused that honest indignation which has slept too long for your honor, or the welfare of the Empire. But we have not been permitted to entertain this pleasing expectation. Every day brought an accumulation of injuries, and the invention of the ministry has been constantly exercised, in adding to the calamities of your American brethren.

The colonial congress at Philadelphia, May 10, 1775. Address to the inhabitants of Great Britain, adopted July 8th.

* By the congress of 1774.

"After the most valuable right of legislation was infringed; when the powers assumed by your parliament, in which we are not represented, and from our local and other circumstances cannot properly be represented, rendered our property precarious; after being denied that mode of trial to which we have long been indebted for the safety of our persons, and the preservation of our liberties; after being, in many instances, divested of those laws which were transmitted to us by our common ancestors, and subjected to an arbitrary code, compiled under the auspices of *Roman* tyrants; after those charters which encouraged our predecessors to brave death and danger in every shape, on unknown seas, in deserts unexplored, amidst barbarous and inhospitable nations, were annulled; when, without the form of trial, without a public accusation, whole colonies were condemned, their trade destroyed, their inhabitants impoverished; when soldiers were encouraged to imbrue their hands in the blood of Americans, by offers of impunity; when new modes of trial were instituted for the ruin of the accused, where the charge carried with it the horrors of conviction; when a despotic government was established in a neighbouring province,† † Canada. and its limits extended to every of our frontiers; we little imagined that anything could be added to this black catalogue of unprovoked injuries: But we have unhappily been deceived, and the late measures of the

Their oppressions and forbearance.

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Address to the inhabitants of Great Britain, adopted July 8th.

Designs of ministry, developed since the former address.

Deprivation of the fisheries.

Restraints upon trade.

Cessation of commerce.

Military oppressions.

British ministry fully convince us that their object is the reduction of these colonies to slavery and ruin.

“To confirm this assertion, let us recall your attention to the affairs of America since our last address.

Let us combat the calumnies of our enemies, and let us warn you of the dangers that threaten you in our destruction. Many of your fellow-subjects, whose situation

deprived them of other support, drew their maintenance from the sea; but the deprivation of our liberty being insufficient to satisfy the resentment of our enemies, the horrors of famine were superadded, and a

British parliament, who, in better times, were the protectors of innocence and the patrons of humanity, have, without distinction of age or sex, robbed thousands of the food which they were accustomed to draw from that inexhaustible source, placed in their neighbourhood by the benevolent Creator.

“Another act of your legislature shuts our ports, and prohibits our trade with any but those states from whom the great law of self-preservation renders it absolutely necessary that we should at present withhold our commerce. But this act (whatever may have been its design) we consider rather as injurious to your opulence than our interest. All our commerce terminates with you, and the wealth we procure for other nations, is soon exchanged for your superfluities. Our remittances must then cease with our trade, and our refinements with our affluence. We trust, however, that laws which deprive us of every blessing, but a soil that teems with the necessaries of life and that liberty which renders the enjoyment of them secure, will not relax our vigor in their defence.

“We might here observe on the cruelty and inconsistency of those, who, while they publicly brand us with reproachful and unworthy epithets, endeavor to deprive us of the means of defence, by their interposition with foreign powers, and to deliver us to the lawless ravages of a merciless soldiery. But happily wo

are not without resources, and though the timid and humiliating applications of a British ministry should prevail with foreign nations, yet industry, prompted by necessity, will not leave us without the necessary supplies.

“We could wish to go no further, and, not to wound the ear of humanity, leave untold those rigorous acts of oppression, which are daily exercised in the town of Boston, did we not hope, that by disclaiming their deeds and punishing the perpetrators, you would shortly vindicate the honor of the British name, and re-establish the violated laws of justice.

“That once populous, flourishing and commercial town, is now garrisoned by an army sent not to protect, but to enslave its inhabitants. The civil government is overturned, and a military despotism erected upon its ruins. Without law, without right, powers are assumed unknown to the constitution. Private property is unjustly invaded. The inhabitants, daily subjected to the licentiousness of the soldiery, are forbid to remove in defiance of their natural rights, in violation of the most solemn compacts. Or if, after long and wearisome solicitation, a pass is procured, their effects are detained, and even those who are most favored, have no alternative but poverty or slavery. The distress of many thousand people, wantonly deprived of the necessaries of life, is a subject on which we would not wish to enlarge.

“Yet we cannot but observe, that a British fleet (unjustified even by acts of your legislature) are daily employed in ruining our commerce, seizing our ships, and depriving whole communities of their daily bread. Nor will a regard for your honor permit us to be silent, while British troops sully your glory, by actions which the most inveterate enmity will not palliate among civilized nations, the wanton and unnecessary destruction of Charlestown, a large, ancient, and once populous

The colonial congress at Philadelphia, May 10, 1775. Address to the inhabitants of Great Britain, adopted July 8th.

Oppressions in Boston.

Condition of Mass. Bay.

Aggressions of the British fleet.

Destruction of Charlestown.

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No cause for such treatment.

Further submission impossible.

Appeal to them as Britons.

town, just before deserted by its inhabitants, who had fled to avoid the fury of your soldiery.

“If you still retain those sentiments of compassion by which *Britons* have ever been distinguished, if the humanity which tempered the valor of our common ancestors has not degenerated into cruelty, you will lament the miseries of their descendants.

“To what are we to attribute this treatment? If to any secret principle of the constitution, let it be mentioned. Let us learn that the government we have long revered, is not without its defects, and that while it gives freedom to a part, it necessarily enslaves the remainder of the empire. If such a principle exists, why for ages has it ceased to operate? Why at this time is it called into action? Can no reason be assigned for this conduct? Or must it be resolved into the wanton exercise of arbitrary power? And shall the descendants of *Britons* tamely submit to this? No, sirs! We never will. While we revere the memory of our gallant and virtuous ancestors, we never can surrender those glorious privileges for which they fought, bled, and conquered. Admit that your fleets could destroy our towns, and ravage our sea-coasts; these are considerable objects, things of no moment, to men whose bosoms glow with the ardour of liberty. We can retire beyond the reach of your navy, and, without any sensible diminution of the necessities of life, enjoy a luxury, which from that period you will want—*the luxury of being free.*

“We know the force of your arms, and was it called forth in the cause of justice and your country, we might dread the exertion; but will *Britons* fight under the banners of tyranny? Will they counteract the labours, and disgrace the victories of their ancestors? Will they forge chains for their posterity? If they descend to this unworthy task, will their swords retain their edge, their arms their accustomed vigor? *Britons* can never become the instruments of oppression till they

lose the spirit of freedom, by which alone they are invincible. -

“Our enemies charge us with sedition. In what does it consist? In our refusal to submit to unwarrantable acts of injustice and cruelty? If so, shew us a period in your history, in which you have not been equally seditious.

The colonial congress at Philadelphia, May 10, 1775.

Address to the inhabitants of Great Britain, adopted July 8th.

The charge of sedition.

“We are accused of aiming at independence, but how is this accusation supported? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned—what steps have we pursued to obtain redress. We have carried our dutiful petitions to the throne: We have applied to your justice for relief: We have retrenched our luxury and withheld our trade: The advantages of our commerce were designed as a compensation for your protection: When you *ceased to protect*, for what were we *to compensate*?

Of aiming at independence.

“What has been the success of our endeavors? The clemency of our sovereign is, unhappily, diverted: Our petitions are treated with indignity, our prayers answered by insults: Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will or the power to assist us. Even under these circumstances, what measures have we taken that betray a desire for independence? Have

Treatment of their petitions.

we called in the aid of those foreign powers who are the rivals of your grandeur? When your troops were few and defenceless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional strength? Let not *your* enemies and ours persuade you that in this we were influenced by fear, or any unworthy motive. The lives of *Britons* are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hos-

Have shown no desire for independence.

tilities were commenced, when on a late occasion we were wantonly attacked by your troops, though we

Attachment to their English brethren.

The affair at Lexington and Concord.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colo- repelled their assaults and returned their blows, yet *we*
 nial con- *lamented the wounds* they obliged us to give; nor have
 gress at *we yet learned to rejoice at a victory over Englishmen.*
 Philadel-
 phia, May

10, 1775. “As we wish not to colour our actions, or disguise
 our thoughts, we shall, in the simple language of truth,
 Address to the inhab- avow the measures we have pursued, the motives upon
 itants of Great Brit- which we have acted, and our future designs.
 ain, adopt-
 ed July 8th.

Past, pres- when the hostile attempts of General Gage evinced his
 ent, and designs; we levied armies for our security and defence.
 proposed When the powers vested in the governor of *Canada*
 future con- gave us reason to apprehend danger in that quarter,
 duct. and we had frequent intimations that a cruel and sav-
 age enemy was to be let loose upon the defenceless
 inhabitants of our frontiers, we took such measures as
 prudence dictated, as necessity will justify. We pos-
 sessed ourselves of *Crown Point* and *Ticonderoga*. Yet
 Their ob- give us leave most solemnly to assure you, that we have
 ject recon- not yet lost sight of the object we have ever had in
 ciliation. view—a reconciliation with you on constitutional prin-
 ciples, and a restoration of that friendly intercourse,
 which, to the advantage of both, we till lately main-
 tained.

Commer- “The inhabitants of this country apply themselves
 cial rela- chiefly to agriculture and commerce. As their fashions
 tions with and manners are similar to yours, your markets must
 England. afford them the conveniences and luxuries for which
 they exchange the produce of their labours. The
 wealth of this extended continent centres with you;
 and our trade is so regulated as to be subservient only
 to your interest. You are too reasonable to expect,
 that by taxes (in addition to this) we should contrib-
 ute to your expense; to believe, after diverting the
 fountain, that the streams can flow with unabated force.

"It has been said that we refuse to submit to the restrictions on our commerce. From whence is this inference drawn? Not from our words, we have repeatedly declared the contrary, and we again profess our submission to the several acts of trade and navigation, passed before the year 1763; trusting, nevertheless, in the equity and justice of parliament, that such of them as, upon cool and impartial consideration, shall appear to have imposed unnecessary or grievous restrictions, will, at some happier period, be repealed or altered. And we cheerfully consent to the operation of such acts of the British parliament as shall be restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefit of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.

The colonial congress at Philadelphia, May 10, 1775.

Address to the inhabitants of Great Britain, adopted July 8th.

Restrictions upon commerce.

"It is alledged that we contribute nothing to the common defence. To this we answer, that the advantages which Great Britain receives from the monopoly of our trade far exceed our proportion of the expense necessary for that purpose. But should these disadvantages be inadequate thereto, let the restrictions on our trade be removed, and we will cheerfully contribute such proportion when constitutionally required.

Contributions for the common defence.

"It is a fundamental principle of the British constitution, that every man should have at least a representative share in the formation of those laws by which he is bound. Were it otherwise, the regulation of our internal police by a British parliament, who are and ever will be unacquainted with our local circumstances, must be always inconvenient, and frequently oppressive, working our wrong without yielding any possible advantage to you.

Right of representation.

"A plan of accommodation, (as it has been absurdly called) has been proposed by your ministers, to our respective assemblies. Were this proposal free from

The proposed "plan of accommodation."

The colonial congress at Philadelphia, May 10, 1775.

Address to the inhabitants of Great Britain, adopted July 8th.

The proposed "plan of accommodation."

Desire for reconciliation.

every other objection but that which arises from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breasts? Can they treat with freedom when their towns are sacked? When daily instances of injustice and oppression disturb the slower operations of reason?

"If this proposal is really such as you would offer and we accept, why was it delayed till the nation was put to useless expense, and we were reduced to our present melancholy situation? If it holds forth nothing, why was it proposed? Unless indeed to deceive you into a belief that we were unwilling to listen to any terms of accommodation. But what is submitted to our consideration? We contend for the disposal of our property: We are told that our demand is unreasonable, that our assemblies may indeed collect our money, but that they must at the same time offer, not what your exigencies or ours may require, but so much as shall be deemed sufficient to satisfy the desires of a minister, and enable him to provide for favorites and dependents. A recurrence to your own treasury will convince you how little of the money already extorted from us, has been applied to the relief of your burdens. To suppose that we would thus grasp the shadow and give up the substance, is adding insult to injuries.

"We have, nevertheless, again presented an humble and dutiful petition to our sovereign, and to remove every imputation of obstinacy, have requested his majesty to direct some mode by which the united application of his faithful colonists may be improved into happy and permanent reconciliation. We are willing to treat on such terms as can alone render an accommodation lasting, and we flatter ourselves that our pacific endeavors will be attended with a removal of ministerial troops, and a repeal of those laws, of the operation of which we complain, on the one part, and a disbanding of our army and a dissolution of our commercial associations, on the other.

“ *Yet conclude not from this* that we propose to surrender our property into the hands of your ministry, or vest your parliament with a power which may terminate in our destruction. The great bulwarks of our constitution we have desired to maintain by every temperate and peaceable means: But your ministers, (equal foes of British and American freedom) have added to their former oppressions an attempt to reduce us by the sword to a base and abject submission. On the sword, therefore, we are compelled to rely for protection. Should victory declare in your favor, yet men frained to arms from their infancy, and animated by the love of liberty, will afford neither a cheap nor easy conquest. Of this at least we are assured, that our struggle will be glorious, our success certain, since even in death we shall find that freedom which in life you forbid us to enjoy.

The Colonial congress at Philadelphia, May 19, 1775.

Address to the inhabitants of Great Britain, adopted July 8th.

Appeal to the sword.

“ *Let us now ask what advantages are to attend our reduction?* The trade of a ruined and desolate country is always inconsiderable, its revenue trifling, the expense of subjecting and retaining it in subjection certain and inevitable. What, then, remains but the gratification of an ill-judged pride, or the hope of rendering us subservient to designs on your liberty. Soldiers who have sheathed their swords in the bowels of their American brethren, will not draw them with more reluctance against you. When too late, you may lament the loss of that freedom which we exhort you, while still in your power, to preserve.

Defeat or triumph equally disastrous to Great Britain.

“ *On the other hand, should you prove unsuccessful;* should that connection, which we most ardently wish to maintain, be dissolved; should your ministers exhaust your treasures and waste the blood of your countrymen in vain attempts on our liberty; do they not deliver you, weak and defenceless, to your natural enemies? Since, then, your liberty must be the price of your victories; your ruin, of your defeat; what blind fatality can urge you to a pursuit destructive of all that Britons hold dear?

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, May 10, 1775.

Address to the inhabitants of Great Britain, adopted July 8th.

"If you have no regard to the connection that has for ages subsisted between us; if you have forgotten the wounds we have received fighting by your side for the extension of the empire; if our commerce is not an object below your consideration; if justice and humanity have lost their influence on your hearts; still mortals are not wanting to excite your indignation at the measures now pursued: your wealth, your honor, your liberties, are at stake.

Final appeal.

"Notwithstanding the distress to which we are reduced, we sometimes forget our afflictions to anticipate and sympathize in yours. We grieve that rash and inconsiderate counsels should precipitate the destruction of an empire which has been the envy and admiration of ages; and call God to witness, that we would part with our property, endanger our lives, and *sacrifice everything but liberty*, to redeem you from ruin.

"A cloud hangs over your head and ours. Ere this reaches you, it may probably burst upon us. Let us then (before the remembrance of former kindness is obliterated) once more repeat those appellations which are ever grateful to our ears: Let us entreat Heaven to avert our ruin, and the destruction that threatens our *friends, brethren, and countrymen*, on the other side of the *Atlantic*."

After the adoption of this masterly address, a letter, prepared by a committee previously appointed for that purpose, to the Lord Mayor, Aldermen, and Livery of London, was read, debated, and approved, as follows:

Letter to the Lord Mayor of London, July 8th.

"My Lord: Permit the delegates of the people of twelve ancient colonies, to pay your lordship, and the very respectable body of which you are the head, the just tribute of gratitude and thanks, for the virtuous and unsolicited resentment you have shown to the violated rights of a free people.

Appreciation of their sympathy.

"The city of London, my lord, having in all ages approved itself the patron of liberty, and the support

of just government, against lawless tyranny and oppression, cannot fail to make us deeply sensible of the powerful aid our cause must receive from such advocates; a cause, my lord, worthy the support of the first city in the world, as it involves the fate of a great continent, and threatens to shake the foundations of a flourishing, and until lately, a happy empire.

The colonial congress at Philadelphia, May 10, 1775.

Letter to the Lord Mayor of London, July 8th.

"North America, my lord, wishes most ardently for a lasting connection with Great Britain, on terms of just and equal liberty; less than which, generous minds will not offer, nor brave and free ones be willing to receive.

"A cruel war has at length been opened against us, and whilst we prepare to defend ourselves like the descendants of *Britons*, we still hope that the mediation of wise and good citizens will at length prevail over despotism, and restore harmony and peace, on permanent principles, to an oppressed and divided Empire.

Hope for reconciliation.

"We have the honor to be, my lord, with great esteem, your lordship's faithful friends and fellow-subjects.

"Signed by order of the Congress,

"JOHN HANCOCK, *President*."*

* 2 Am. Archives, p. 1877.

These papers were enclosed in a letter to Mr. *Richard Penn*, and the colony agents in England, which letter was reported to the congress, read, and approved, as follows, viz.:

"*Gentlemen*: The perseverance of the British ministry in their unjust and cruel system of colony administration, has occasioned the meeting of another congress. We have again appealed to the justice of our sovereign for protection against the destruction which his ministers meditate for his American subjects. This petition to his majesty you will please, gentlemen, to present to the king, with all convenient expedition; after which we desire it may be given to the public.

Letter to the colony agents in England.

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The colonial congress at Philadelphia, May 10, 1775.

We likewise send you our second application to the equity and interest of our fellow-subjects in Great Britain, and also a declaration setting forth the causes of our taking up arms, both which we wish may be immediately put to press, and communicated as universally as possible.

Letter to the colony agents in England, July 8th,

"The congress entertain the highest sense of the wise and worthy interposition of the Lord Mayor and Livery of London in favor of injured America. They have expressed this their sense, in a letter to his lordship and the livery, which we desire may be presented in the manner most agreeable to that respectable body.

"You will oblige us, gentlemen, by giving the most early information to the congress, and to the speakers of our respective assemblies, of your proceeding in this business; and such further intelligence as you may judge to be of importance to America in this great contest.

"We are, with great regard, gentlemen, your most obedient and very humble servants."

Order thereon.

Whereupon it was "*Ordered*, that the above be fairly transcribed, to be signed by the president, and then by him sent under cover, with the petition to the king, and address to the inhabitants of Great Britain, and the letter to the Lord Mayor of London, to *Richard Penn, Esq.*: And that the president request Mr. Penn, in behalf of the Congress, to join with the Colony Agents in presenting the petition to the king."*

* 2 Am. Archives, p. 1878.

Other addresses.

Addresses were also adopted to the assembly of Jamaica, and the people of Ireland. Each of these contains an enumeration of the grievances and oppressions set forth in the other papers, but they are not so essentially variant in other respects as to render their introduction important in this connection. Yet I cannot omit transcribing the closing part of the latter document. The inhabitants of this country have always felt a great deal of sympathy for that interesting but unfortunate people, and will read with attentive con-

sideration the sentiments expressed towards them by the fathers of our revolution. The conclusion of the address is, in other aspects of it, important. It was in these words, viz.:

The colonial congress at Philadelphia, May 10, 1775.

——“Accept our most grateful acknowledgments for the friendly disposition you have always shown towards us. We know that you are not without your grievances. We sympathize with you in your distress, and are pleased to find that the design of subjugating us has persuaded administration to dispense to Ireland some vagrant rays of ministerial sunshine. Even the tender mercies of government have long been cruel towards you. In the rich pastures of Ireland, many hungry parasites have fed, and grown strong to labour in its destruction. We hope the patient abiding of the meek may not always be forgotten: And God grant that the iniquitous scheme of extirpating liberty from the British Empire, may be soon defeated. But we should be wanting to ourselves; we should be perfidious to posterity; we should be unworthy that ancestry from which we derive our descent, should we submit, with folded arms, to military butchery and depredation, to gratify the lordly ambition, or sate the avarice of a British minister. *In defence* of our persons and properties under actual violation, we have taken up arms: When that violence shall be removed, and hostilities cease on the part of the aggressors, they shall cease on our part also. For the achievement of this happy event, we confide in the good offices of our fellow-subjects beyond the Atlantic. Of their friendly disposition we do not yet despond, aware, as they must be, that they have nothing more to expect from the same common enemy, than the humble favor of *being last devoured*.”

To the people of Ireland.

Reasons for taking up arms.

On Friday, the twenty-first day of July, the congress having resolved itself into a committee of the whole, to take into consideration the state of America, Doctor

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ORIGIN AND CAUSES OF THE REVOLUTION.

- The colonial congress at Philadelphia, May 10, 1775. Benjamin Franklin submitted to their consideration the following sketch of articles for a confederation between the colonies, viz.:
- Articles for a colonial confederation submitted by Dr. Franklin, July 21st. "ARTICLES OF CONFEDERATION *and Perpetual union, proposed by the delegates of the several colonies of New Hampshire, &c., in general congress, met at Philadelphia, May 10th, 1775.*
- Name of the confederacy. "ARTICLE I. The name of this confederacy shall henceforth be *The United Colonies of North America.*
- Its objects. "ARTICLE II. *The said United Colonies hereby severally enter into a firm league of friendship with each other, binding on themselves and their posterity, for their common defence against their enemies; for the security of their liberties and properties, the safety of their persons and families; and their mutual and general welfare.*
- Privileges of the respective colonies. "ARTICLE III. *That each colony shall enjoy and retain as much as it may think fit, of its own present laws, customs, rights, privileges, and peculiar jurisdiction, within its own limits; and may amend its own constitution as shall seem best to its own assembly or convention.*
- General congress. "ARTICLE IV. *That for the more convenient management of their general interests, delegates shall be annually elected in each colony, to meet in General Congress, at such time and place as shall be agreed on in the next preceding congress. Only where particular circumstances do not make a duration necessary, it is understood to be a rule, that each succeeding congress be held in a different colony, till the whole number be gone through; and so in perpetual rotation; and that accordingly the next congress after the present, shall be held at Annapolis, in Maryland.*
- Its powers and duties. "ARTICLE V. *That the power and duty of the congress shall extend to the determining on war and peace; the sending and receiving ambassadors, and entering into alliances, (the reconciliation with Great Britain) the settling all disputes and differences between colony*

and colony, about limits or any other cause, if such should arise; and the planting of new colonies when proper. The congress shall also make such general ordinances as, though necessary to the general welfare, particular assemblies cannot be competent to, viz.:—those that may relate to our general commerce, or general currency; the establishment of posts; and the regulation of our common forces. The congress shall also have the appointment of all general officers, civil and military, appertaining to the general confederacy, such as general treasurer, secretary, &c.

The colonial congress at Philadelphia, May 10, 1775. Articles of confederation submitted by Dr. Franklin, July 21st.

“ARTICLE VI. *All charges of wars*, and all other general expenses to be incurred for the common welfare, shall be defrayed out of a common treasury, which is to be supplied by each colony in proportion to its number of male polls between sixteen and sixty years of age. The taxes for paying that proportion are to be laid and levied by the laws of each colony.

General charges.

“ARTICLE VII. *The number of delegates to be elected* and sent to congress by each colony, shall be regulated, from time to time, by the number of such polls returned; so as that one delegate be allowed for every five thousand polls. And the delegates are to bring with them to every congress an authenticated return of the number of polls in the respective provinces, which is to be taken triennially, for the purposes above mentioned.

Delegation to congress.

“ARTICLE VIII. *At every meeting of the congress*, one-half of the members returned, exclusive of proxies, shall be necessary to make a *quorum*; and each delegate at the congress shall have a vote in all cases; and if necessarily absent, shall be allowed to appoint any other delegate from the same colony to be his proxy, who may vote for him.

Quorum and vote.

“ARTICLE IX. *An executive council* shall be appointed by the congress out of their own body, consisting of twelve persons; of whom, in the first appointment, one-third, viz.:—four shall be for one year, four for two

Executive council, powers and duties.

The colonial congress at Philadelphia, May 10, 1775. Articles of confederation submitted by Dr. Franklin, July 21st.

years, and four for three years; and as the said terms expire, the vacancies shall be filled by appointments for three years; whereby one-third of the members will be changed annually. This council, of whom two-thirds shall be a quorum, in the recess of congress, is to execute what shall have been enjoined thereby; to manage the general continental business and interests; to receive applications from foreign countries; to prepare matters for the consideration of the congress; to fill up, *pro tempore*, continental offices that fall vacant; and to draw on the general treasurer for such monies as may be necessary for general services, and appropriated by the congress to such services.

Offensive war.

“ARTICLE X. *No colony shall engage in offensive war with any nation of Indians without the consent of the congress, or grand council above mentioned, who are first to consider the justice and necessity of such war.*

Relations with the Indians.

“ARTICLE XI. *A perpetual alliance, offensive and defensive, is to be entered into as soon as may be with the Six Nations; their limits to be ascertained and secured to them; their land not to be encroached on, nor any private or colony purchases made of them hereafter to be held good; nor any contract for lands to be made, but between the great council of the Indians at Onondaga, and the general congress. The boundaries and lands of all the other Indians shall also be ascertained and secured to them in the same manner, and persons appointed to reside among them in proper districts, and shall take care to prevent injustice in the trade with them; and be enabled at our general expense, by occasional small supplies, to relieve their personal wants and distress. And all purchases from them shall be by the congress, for the general advantage and benefit of the United Colonies.*

How amended.

“ARTICLE XII. *As all new institutions may have imperfections, which only time and experience can discover, it is agreed that the general congress, from time*

to time, shall propose such amendments of this constitution as may be found necessary; which being approved by a majority of the colony assemblies, shall be equally binding with the rest of the articles of this confederation.

The colonial congress at Philadelphia, May 10, 1775.

“ARTICLE XIII. *Any and every colony from Great Britain* upon the continent of North America, not at present engaged in our association, may, upon application and joining the said association, be received into the confederation, viz.:—Ireland, the West India Islands, Quebec, St. Johns, Nova-Scotia, Bermudas, and East and West Florida, and shall thereupon be entitled to all the advantages of our union, mutual assistance, and commerce.”

Admission of other colonies.

Upon the submission of these articles it was

“*Ordered*, that they be proposed to the several provincial assemblies or conventions to be by them considered; and if approved, they are advised to empower their delegates to agree to and ratify the same in the ensuing congress. After which the union thereby established is to continue firm, till the terms of reconciliation proposed in the petition of the last congress to the king are agreed to; till the acts since made, restraining the American commerce and fisheries, are repealed; till reparation is made for the injury done to Boston, by shutting up its port; for the burning of Charles Town; and for the expense of this unjust war; and till all the British troops are withdrawn from America. On the arrival of these events the colonies will return to their former connection and friendship with Britain; but on failure thereof, this Confederation is to be perpetual.”*

Order thereupon.

Duration of the union under these articles.

* 2. Am. Archives, p. 1839.

The compact of Union embraced in and contemplated by the foregoing articles, is exceedingly interesting and important as evinsive of the plan of empire which foreshadowed itself to the thoughts of our revolutionary ancestors. In its comprehensive provisions

The proposed colonial confederation, its nature and extent.

The colonial congress at Philadelphia, May 10, 1775.

and aims it seems not unlike the prophetic historical records of the ancient people of God, having direct reference to a more immediate and pressing necessity, while yet it anticipates and provides for the development of a magnificent dominion to be possibly unfolded in the future. The fact that in the extension of our national domain and jurisdiction at the present day, we are but now approaching a period in our governmental annals which seems to promise the fulfillment of a project suggested, nay all but compelled, and yet not deliberately premeditated either in desire or design, by our forefathers, must present itself with singular and thrilling interest to the pride, the patriotism, and the hope, of every reflecting citizen of the United States of America. Surely we need not fear that the foundations which they have so wisely and so carefully laid, are insufficient to sustain even so vast a fabric as then rose before their enthusiastic vision.

The proposed confederacy.

Look at the magnificent plan and suppose for one moment its achievement to have been consummated in the days of the Revolution! The whole North American continent and the islands adjacent, comprehended in one great confederacy! No such powerful combination of people or of states could have been found elsewhere, or in any age, in the world's history. Do we mistake the decrees of the Almighty Ruler of the universe in supposing it may yet be our destiny as a nation?

The plan of accommodation proposed by parliament.

On the thirty-first day of July, the congress, in committee of the whole, took into consideration the report of the committee on the resolve of the house of commons, called *a plan of accommodation*, and the same, being debated by paragraphs, was agreed to as follows, viz.:

Report upon, July 31.

"The several assemblies of New Jersey, Pennsylvania, and Virginia, having referred to the congress a

resolution of the House of Commons of Great Britain, which resolution is in these words, viz.:

“Lunæ, 20^o Die Feb. 1775.

The colonial congress at Philadelphia, May 10, 1775.

“The house in a committee on the American papers.

Motion made, and question proposed:

“That it is the opinion of this committee, that when the general council and assembly, or general court of any of his majesty’s provinces or colonies in America, shall propose to make provision, according to the condition, circumstance, or situation of such province or colony, for contributing their proportion to the common defence; such proportion to be raised under the authority of the general court, or general assembly of such province or colony, *and disposable by parliament*; and shall engage to make provision also for the support of the civil government, and the administration of justice in such province or colony, it will be proper, if such proposal shall be approved by his majesty and the two houses of parliament; and for so long as such provision shall be made, accordingly to forbear, in respect to such province or colony, to lay any duty, tax, or assessment, or to impose any further duty, tax, or assessment, *except only* such duties as it may be expedient to levy or impose, *for the regulation of commerce*; the net produce, or the duties last mentioned, to be carried to the account of such colony respectively.”

The resolution of parliament cited.

“*The congress took the said resolution into consideration* and are therefore of opinion, that the colonies of America are entitled to the sole and exclusive privilege of giving and granting their own money: That this involves a right of deliberating whether they will make any gift, for what purpose it shall be made, and what shall be its amount: And that it is a high breach of this privilege for any body of men, extraneous to their constitutions, to prescribe the purposes for which money shall be levied upon them, to take to themselves the authority of judging of their conditions, circumstances,

Opinion of congress, July 31st.

Right of taxation.

Right of appropriation.

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The colonial congress at Philadelphia, May 10, 1775.

and situations, and of determining the amount of the contribution to be levied.

Opinion of the parliamentary "plan of accommodation."

"That as the colonies possess a right of appropriating their gifts, so are they entitled at all times to inquire into their application, to see that they be not wasted among the venal and corrupt for the purpose of undermining the civil rights of the givers, nor yet be diverted to the support of standing armies, inconsistent with their freedom and subversive to their quiet. To propose, therefore, as this resolution does, that the monies given by the colonies shall be subject to the disposal of parliament alone, is to propose that they shall relinquish this right of inquiry, and put it in the power of others to render their gifts ruinous, in proportion as they are liberal.

Importance of these rights.

"That this privilege of giving or withholding our monies, is an important barrier against the undue exertion of prerogative, which, if left altogether without control may be exercised to our great oppression; and all history shows how efficacious is its intercessions for redress of grievances and re-establishment of rights, and how improvident it would be to part with so powerful a mediator.

Character of the proposition made by parliament.

"We are of opinion that the proposition contained in this resolution is unreasonable and insidious: Unreasonable, because, if we declare we accede to it, we declare without reservation we will purchase the favor of parliament, not knowing at the same time at what price they will please to estimate their favor. It is assidious, because, individual colonies having bid and bidden again, till they find the avidity of the seller too great for all their powers to satisfy, are then to return into opposition, divided from their sister colonies whom the minister will have previously detached by a grant of easier terms, or by an artful procrastination of a definite answer.

Proposed suspension of taxation.

"That the suspension of the exercise of their pretended power of taxation, being expressly made com-

mensurate with the continuance of our gifts, these must be perpetual to make that so. Whereas, no experience has shown that a gift of perpetual revenue secures a perpetual return of duty or of kind disposition. On the contrary, the parliament itself, wisely attentive to this observation, is in the established practice of granting its supplies from year to year only.

The colonial congress at Philadelphia, May 10, 1775. Opinion on the parliamentary "plan of accommodation," July 31st.

"*Desirous and determined as we are*, to consider in the most dispassionate view every seeming advance towards a reconciliation made by the British parliament, let our brethren of Britain reflect what would have been the sacrifice to men of free spirits, had even fair terms been proffered, as these insidious proposals were, with circumstances of insult and defiance. A proposition to give our money, accompanied with large fleets and armies, seems addressed to our fears rather than our freedom. With what patience would Britons have received articles of treaty from any power on earth, when borne on the point of the bayonet by military plenipotentiaries?

Time and manner of the proposal objectionable.

"*We think the attempt unnecessary*, to raise upon us by force or by threats our proportional contributions to the common defence, when all know, and themselves acknowledge, we have fully contributed whenever called upon to do so in the character of freemen.

"*We are of opinion it is not just* that the colonies should be required to oblige themselves to other contributions, while Great Britain possesses a monopoly of their trade. This of itself lays them under heavy contribution. To demand, therefore, additional aids in the form of a tax is to demand the double of their equal proportion. If we are to contribute equally with the other parts of the empire, let us equally with them enjoy free commerce with the whole world. But while the restrictions on our trade shut to us the resources of wealth, is it just we should bear all other burdens equally with those to whom every resource is open?

Its injustice.

The colonial congress at Philadelphia, May 10, 1775. Opinion on the parliamentary "plan of accommodation," July 31st. Interference of parliament unwarrantable.

"We conceive that the British parliament has no right to intermeddle with our provisions for the support of civil government, or administration of justice. The provisions we have made are such as please ourselves, and are agreeable to our own circumstances; they answer the substantial purposes of government and of justice, and other purposes than these should not be answered. We do not mean that our people shall be burdened with oppressive taxes, to provide sinecures for the idle or the wicked under color of providing for a civil list. While parliament pursue their plan of civil government within their own jurisdiction, we also hope to pursue ours without molestation."

The proposition wherein unsatisfactory.

"We are of opinion the proportion is altogether unsatisfactory, because it imports only a suspension of the mode, not a renunciation of the pretended right to tax us. Because, too, it does not propose to repeal the several acts of parliament passed for the purposes of restraining the trade, and altering the form of government of one of our colonies; extending the boundaries and changing the government of Quebec; enlarging the jurisdiction of courts of admiralty and vice-admiralty; taking from us the right of trial by a jury of the vicinage, in cases affecting both life and property; transporting us into other countries to be tried for criminal offences. Exempting, by mock trial, the murderers of colonists from punishment; and quartering soldiers upon us in times of profound peace. Nor do they renounce the power of suspending our own legislatures, and for legislating for us themselves in all cases whatsoever."

Proofs of hostile designs.

On the contrary, to show they mean no discontinuance of injury, they pass acts, at the very time of holding out this proposition, for restraining the commerce and fisheries of the provinces of New England, and for interdicting the trade of other colonies with all foreign nations and with each other. This proves unequivocally, they mean not to relinquish the exercise of indiscriminate legislation over us."

“*Upon the whole, this proposition* seems to have been held up to the world to deceive it into a belief that there was nothing in dispute between us but *the mode* of levying taxes; and that the parliament having now been so good as to give up this, the colonies are unreasonable if not perfectly satisfied: *Whereas, in truth,* our adversaries still claim a right of demanding *ad libitum*, and of taxing us themselves to the full amount of their demand, if we do comply with it. This leaves us without anything we can call property. But what is of more importance, and what in this proposal they keep out of sight, as if no such point was in contest between us, they claim a right to alter our charters and establish laws, and leave us without any security for our lives or liberties. *The proposition seems also* to have been calculated more particularly to lull into fatal security our well-affected fellow-subjects on the other side of the water, till time should be given for the operation of those arms which a British minister pronounced would instantaneously reduce the ‘cowardly’ sons of America to unreserved submission.

The colonial congress at Philadelphia, May 10, 1775.

Opinion on the parliamentary “plan of accommodation,” July 31st.

General view of the proposition.

“*But when the world reflects* how inadequate to justice are these vaunted terms; when it attends to the rapid and bold succession of injuries, which, during the course of eleven years, have been aimed at these colonies; when it reviews the pacific and respectful expostulations, which, during that whole time, were the sole arms we opposed to them; when it observes that our complaints were either not heard at all, or were answered with new and accumulated injuries; when it recollects that the minister himself, on an early occasion, declared ‘that he would never treat with America, till he had brought her to his feet;’ and that an avowed partizan of ministry has more lately denounced against us the dreadful sentence, *delenda est Carthago*; that this was done in the presence of a British senate, and being unreprieved by them, must be taken to be their own sentiment, especially as this pur-

General sentiment of mankind upon it.

The colonial congress at Philadelphia, May 10, 1775.

pose has already in part been carried into execution by their treatment of Boston and burning of Charlestown; when it considers the great armaments with which they have invaded us, and the circumstances of cruelty with which they have commenced and prosecuted hostilities: When these things, we say, are laid together and attentively considered, can the world be deceived into an opinion that we are unreasonable; or can it hesitate to believe with us, that nothing but our own exertions may defeat the ministerial sentence of death or abject submission?"

After making provision for the support of the army, and for reimbursing the several colonies for monies expended by them in the continental service; which was principally in the bills of credit issued by the congress; they passed the following resolution, and adjourned to the fifth of September then next:

Construction of the non-exportation compact.

"*Whereas, at a former congress it was resolved, that if certain acts of parliament, in the continental association enumerated and complained of, should not be repealed, on or before the tenth day of September, 1775, the inhabitants of these united colonies would not, directly or indirectly, export any merchandise or commodity whatsoever to Great Britain, Ireland, or the West Indies; and as some doubts have arisen with respect to the true spirit and construction of said resolve, to the end that such doubts may be removed,*

"*RESOLVED, that under the prohibition, in the said association contained, to export to, or import from, the Islands of Great Britain and Ireland, this congress intends to comprise all exportation to, or importation from, the Islands of Jersey, Guernsey, Sark, Alderney, and Man, and every European island and settlement within the British dominions: And that under the denomination of the West Indies, this congress means to comprehend all the West India Islands, British and foreign, to whatever state, power, or prince belonging,*

or by whomsoever governed; and also the Summer Islands, Bahama Islands, Berbicia, and Surinam on the Main, and every island and settlement within the latitude of the southern line of Georgia and the equator.*

* 2 Am.
Archives,
p. 1904.

As a sequel to these acts of the colonial congress, and as an interesting and important record in the history of the proceedings of parliament with reference to the colonies, we here refer to the examination, in the House of Lords, of Governor Richard Penn, of Pennsylvania, to whom the proceedings of this congress were enclosed to be presented to his majesty. The effect which this examination produced in parliament was singularly exciting, and more than anything else opened the eyes of that body to the real crisis which was now impending in America. And although the awakening came too late, and was too limited in its extent, to be of any permanent avail, it yet had its influence out of parliament upon the tone of public sentiment with regard to the motives and aims of the congress and the people of America.

Proceed-
ings in par-
liament,
Nov., 1775.

On Tuesday, the seventh day of November, in the House of Lords, the order of the day being to take into consideration a paper endorsed "Copy of the Petition of the Congress to the King, delivered to the Earl of Dartmouth by *Messrs. Penn and Lee*, on the first day of September, 1775;" the said paper being read by the clerk: The *Duke of Richmond* observed, that he saw *Mr. Penn*, governor of Pennsylvania, below the bar; and as some doubt might arise in the course of the debate, whether or not the paper now read was genuine, he urged the propriety of calling that gentleman to authenticate it, as he understood the petition was delivered by him into the hands of one of his majesty's secretaries of state. He then moved that *Mr. Penn* be called in, to authenticate the paper.

House of
Lords.

Motion to
examine
Mr. Penn.

This motion gave rise to considerable opposition and

Examina- discussion, but ended in an order being entered that
tion of Mr. Penn should attend the House of Lords for exam-
Gov. Penn, ination with reference to the matter now before them,
House of Lords, on Friday, the tenth of November then current.
Nov., 1775.

Mr. Penn At the time designated, the order of the day being
called and read, Mr. Richard Penn was called and came forward,
examined, and, being sworn, was examined at the bar, as follows:
Nov. 10th.

“Question. How long have you resided in America?

Answer. I have resided there four years.

Question. How long were you in the government
in Pennsylvania? Answer. Just two years.

As to con- Question. Do you know, or have you heard, of any
gressional violence or unfair proceedings in the election of the
elections. members of the continental congress? Answer. I
have not heard of any.

Intelli- Question. Do you think the members are men well
gence of informed of the temper, disposition, and strength of
the con- their respective provinces, and capable of conveying the
gress. sense of America? Answer. I think they are men of
character and capable of conveying the sense of America.

Congress Question. Do you think that their several proceed-
and the ings do in reality convey the genuine sense of those
sense of provinces you are acquainted with? Answer. They
the people. do undoubtedly convey the sense of the provinces they
represent.

Question. Have you any reason to doubt they do
convey the true sense of the other provinces? Answer.
They certainly do convey the sense of the other prov-
inces also.

Object of Question. Do you think the provinces will be gov-
the war. erned by their decisions? Answer. I firmly believe
the provinces will be governed by their decisions.

Question. Do you not think that the present war,
on the part of America, is levied and carried on by the
directions of the congress, and supported by the incli-
nation and zeal of the colonists, in defence of their
liberty? Answer. This war is levied and carried on
by a sense of the defence of their liberties, as they
think.

Question. Can you think that it is levied or carried on by any other means or persons? Answer. I do not think it is carried on by any other means or account.

Examination of Gov. Penn, in the House of Lords, Nov. 10, 1775.

Question. Are you personally acquainted with many of the members of the congress? Answer. I am acquainted with almost all the members of the congress.

Question. Do you think they levy and carry on this war for the purpose of establishing an independent empire? Answer. I think they do not carry on the war for independency, I never heard them breathe sentiments of that nature.

Independency not their object.

Question. For what purpose do you believe they have taken up arms? Answer. In defence of their liberties.

Aim in taking up arms.

Question. Were you in America at the time the stamp act was laid? Answer. I was.

The stamp act.

Question. What effects did it produce? Answer. It caused great discontent, uneasiness, and distress.

Question. Were you there when it was repealed? Answer. I was.

Its repeal.

Question. What effects did the repeal produce? Answer. The repeal gave great joy, and the anniversary was kept as a day of mirth and festivity.

After the repeal.

Question. Were the Americans satisfied with their condition, notwithstanding the declaratory act accompanied the repeal of the stamp act? Answer. They were satisfied with their condition, notwithstanding the declaratory act.

The declaratory act.

Question. If Great Britain had left things in the state they then were, do you think America would have remained content? Answer. I think they would have remained content.

Question. Is it the general opinion in America that they are able to resist the arms of Great Britain, employed to enforce taxation, and the late acts complained of in America? Answer. It is the opinion of all I have ever conversed with.

Ability to resist.

Question. Is the spirit of resistance to these acts

Examina-
tion of
Gov. Penn,
in the
House of
Lords,
Nov. 10,
1775.

general, as far as your knowledge goes? Answer. Quite general.

Question. What force has the province of Pennsylvania raised? Answer. When I left Pennsylvania, they had twenty thousand men in arms, imbodyed but not in pay; and four thousand five hundred men since raised.

Military of
Pennsylvania.

Question. What were these twenty thousand, militia or what? Answer. They were volunteers throughout the province.

Question. What were the four thousand five hundred? Answer. They were minute-men, when upon service in pay.

Question. Are they included in the twenty thousand men, or exclusive of them? Answer. Exclusive.

Contribu-
tions of
money.

Question. Doth the province contribute money besides to the continental army? Answer. They do.

Capable
men.

Question. How many men, fit to bear arms is it supposed there are in Pennsylvania? Answer. Sixty thousand.

Ready for
service.

Question. What proportion of these sixty thousand do you believe would willingly come forth, if necessary, in the present contest? Answer. All, I believe.

Growth of
corn.

Question. Doth Pennsylvania grow a sufficient quantity of corn to supply its inhabitants? Answer. Much more than is necessary, for they export considerable every year.

Gunpow-
der.

Question. Do they make gunpowder in Pennsylvania? Answer. They have, lately.

Saltpetre.

Question. Have they taken any methods to procure saltpetre? Answer. They have established several works for that purpose.

Question. Do they cast brass cannon? Answer. They do in the city of Philadelphia.

Cannon,
&c.

Question. Have they the materials and means of casting iron cannon? Answer. They have, in great plenty.

Question. Do they make small-arms? Answer. Examination of
They do, in great numbers, and very complete. Gov. Penn,

Question. Is it not reckoned that there are in Penn- in the
sylvania and New York, many strong posts, and con- House of
siderable rivers? Answer. There are. Lords,
Nov. 10,
1775.

Question. Are there bridges over the principal riv- Ports and
ers? Answer. Bridges are not common; in general, rivers.
there are ferries; the rivers are too rapid for bridges. Bridges.

Question. Do they build ships in Pennsylvania? Shipbuild-
Answer. They do. Question. Do they build them ing.
expeditiously? Answer. Very expeditiously. Ques-
tion. Of what burden? Answer. Three hundred or
four hundred tons.

Question. Did the congress, and the people in gen- Reception
eral, seem dissatisfied with the reception their petitions of their
had met with here? Answer. The colonies were dis- petitions.
satisfied with the reception of their petitions; they had
conceived great hopes from that I brought over, which
was stiled the *olive-branch*; and I was complimented by
my friends on being the bearer thereof.

Question. If conciliatory measures are not speedily Connection
pursued, is it not to be feared that the congress will with
form some connection with foreign powers? Answer. foreign
It is greatly to be feared, if conciliatory measures are powers.
not speedily pursued.

Question. If any connection with foreign powers
should be formed, do you not think that it will be very
difficult to persuade America to renounce engagements
she has once entered into? Answer. I do.

Question. When you delivered this petition, did the Not before
secretary of state ask you any questions relative to that questioned
country? Answer. None at all. Question. Did he, by any one
or any other minister, at any other time since your ar- in au-
rival, ask you any questions as to the state or temper thority.
of America? Answer. I have not been asked any
questions by persons in authority.

Question. Did most thinking men in Philadelphia Refusal
understand the refusal of the petition would be a bar of the peti-
tion.
to all reconciliation? Answer. They did.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

Examina-
tion of
Gov. Penn,
in the
House of
Lords,
Nov. 10,
1775.

The "De-
claratory
Act."

Depend-
ence on
Great Brit-
ain.

Question
objected to
and de-
bated.

Mr. Penn
desired to
withdraw
pending
the debate.
Is recalled.

Election of
members
of con-
gress.

Examined by the Earl of Sandwich. Question. Have you ever read the declaratory act? Answer. I have not read it. Question. Have you not heard of it? Answer. Yes, I have heard of it, but not much discussed.

Question. Do you think that the colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain? Answer. The colonies, I believe, are inclined to acknowledge the imperial authority of Great Britain, but not in taxation.

Question. Do you think they acquiesce in every other sense of the declaratory act except taxation?

The Duke of Richmond objected to the question. He insisted it was neither fair, nor parliamentary, to lead the witness into discussions of such an intricate nature, for the purpose of involving him in confusion and consequent contradiction. He said it was a subject of a very abstruse and intricate nature; men of the first rate abilities and experience entertained different opinions concerning it, and it was of course out of the view entirely of examinations at their lordship's bar.

The Earl of Sandwich replied, that he was strictly within order, that the witness' own sentiments were not desired, but seeming to be so well acquainted with the persons who composed the congress, it was probable they might have communicated their opinions to him on the present subject of inquiry.

Mr. Penn was desired to withdraw at the commencement of this discussion, and being now again called in, replied: Answer. I believe the colonies acquiesce in the words of the declaratory law.

Question. Was there no violence used in the election of the members of the congress? Answer. I know, of my own knowledge, only respecting Pennsylvania, where they were elected by the house of assembly.

Question. Do you know all the members of the congress? Answer. I am acquainted with almost all of them. Question. Do you know Mr. Harrison? Answer. I do; he is a delegate from Virginia. Question. Is he a man of good character? Answer. I believe him to be so, I never heard to the contrary. Question. Is he able to convey the sense of the province he represents? Answer. I imagine so, or they would not have elected him.

Examination of Gov. Penn, in the House of Lords, Nov. 10, 1775. Mr. Harrison of Va.

Question. Are you acquainted with the sentiments of America in general? Answer. I am particularly acquainted only with the sentiments of Pennsylvania.

Question. Have you heard of the resolutions of Suffolk in Massachusetts Bay? Answer. I have.

Suffolk resolutions.

Question. Have the congress declared their approbation of them? Answer. I believe they have, it was in the public papers.

Question. Have you not heard of violences committed on persons for speaking their opinions? Answer. Not in Pennsylvania.

Question. Are the sentiments of the northern and southern provinces similar? Answer. I believe they are.

Sentiments of the people generally.

Question. Are the people of the different provinces in a state of freedom? Answer. They think themselves so.

Question. Would not persons who were to advance different sentiments from the congress, be in danger? Answer. I believe they would.

Question. Do not you know of people having been persecuted for their opinions? Answer. I do not know of any such thing in Pennsylvania during my residence there.

Question. Have you not heard of such things in other colonies? Answer. I have heard so.

Question. What notice did the congress take of the resolutions of the House of Commons last year? Answer. The "plan of accommodation."

Examina-
tion of
Gov. Penn,
in the
House of
Lords,
Nov., 1775.
Lord Chat-
ham's plan.

swer. I do not know, they always keep their delibera-
tions to themselves.

Question. Was the plan proposed by Lord Chatham
last year taken notice of by the congress? Answer.
Not that I know of.

Question. Do you know whether the congress pub-
lished anything as to the resolutions of last year? An-
swer. Not that I recollect.

The "con-
ciliatory
plan."

Question. Was the conciliatory plan of last year
considered in the provinces? Answer. It was consid-
ered in Pennsylvania, and rejected by the house of
assembly, because they would not forsake their sister
colonies, nor do anything without consulting them.

Volun-
teers.

Question. What sort of men were the twenty thou-
sand men who offered to enroll themselves? Answer.
They were men of the first character and fortune.

Question. Were they not all persons of property, or
possessing land? Answer. There might be some oth-
ers among them, but in general they were so.

The power
of con-
gress.

Question. Unless the congress had the confidence
of the Americans, could they have any other means of
enforcing obedience to their orders? Answer. They
could not.

Question. Doth the congress meet with the general
approbation of America? Answer. When the con-
gress was first proposed no one opposed it; it seemed to
be the general wish of the people.

Opposition
discounte-
nanced.

Question. Could a sufficient number of people be
found to support any one in speaking or writing against
the congress? Answer. No.

Examined by the *Earl of Denbigh*.

The char-
ter of
Pennsylva-
nia.

Question. Are you master of the charter of Penn-
sylvania? Answer. I believe I am; I have read it
often.

Question. Are the inhabitants well satisfied with
their charter? Answer. I believe they are perfectly so.

Question. Do you know the clause that subjects
them to taxation? Answer. I know that clause.

Question. Do you think they are satisfied with it? Examination of Gov. Penn, in the House of Lords, Nov., 1775.
 Answer. Yes.

Question. Is it not the object of the congress to throw off the regulations of their trade? Answer. No.

Question. Have not the congress persecuted the people? Answer. Not to my knowledge.

Question. Would not the most opulent inhabitants prefer freedom under this country, to what they now enjoy? Answer. They would prefer it to any other state of freedom. Freedom under England preferred to independence.

Question. Do you think they wish to support the measures of the congress at present? Answer. It is firmly my opinion that they do, but wish, at the same time, for a reconciliation with this country. Reconciliation desired.

Question. When you said that Pennsylvania was satisfied with the clause in their charter concerning taxation, did you mean to say, that they were willing to be taxed by parliament? Answer. I do not believe Pennsylvania would be satisfied to be taxed by this country, and by their own government too." Parliamentary taxation in Pa.

Here Mr. Penn was instructed to withdraw.* Whereupon the *Duke of Richmond* rose, and insisted, in a very able speech, upon the necessity of an immediate reconciliation between Great Britain and her American colonies. * 6. Am. Archives, p. 123-127. The Duke of Richmond.

Meanwhile the colonial congress had convened again at Philadelphia, pursuant to the resolution of adjournment at their last session. This meeting was signalized by the admission of the colony of Georgia, by her delegates, into the league of the United Colonies: An early and important proceeding was the passage of a resolution of secrecy, as follows, viz.: Meeting of the congress, Sept. 1775. Georgia sends delegates.

“RESOLVED, *That every member of this congress considers himself under the ties of virtue, honor, and love of his country, not to divulge, directly or indirectly, any matter or thing agitated or debated in congress, before the same shall have been determined, without leave of* Resolution of secrecy.

The colonial congress at Philadelphia, Sept., 1775.

the congress; nor any matter or thing determined in congress which a majority of the congress shall order to be kept secret; and that if any member shall violate this agreement he shall be expelled this congress, and deemed an enemy to the liberties of America, and liable to be treated as such; and that every member signify his consent to this agreement by signing the same."

* 3. Am. Archives, p. 1916.

The articles of confederation.

This resolution, as proposed, was thereupon passed, engrossed, and subscribed by all the delegates.*

It does not appear that any action had been taken by the provincial assemblies upon the articles for a colonial confederation submitted by Dr. Franklin to the last congress, and by them referred to the colonies, although they were made the basis of its proceedings at the present session.

Position of the colonies.

The position of the colonies was now one of direct and ominous hostility to the supreme power of the mother country; and placed them at once and distinctly in a revolutionary attitude. An attitude which must inevitably lead to their subjugation to, or their absolute independence of the British crown. All reflecting and thoughtful men in America began to foresee the latter result, and some of them even to calculate its necessity and advantages, without seeming to purpose or desire it. The alternative was too forcefully before them to be mistaken, and few believed that they could be defeated in a cause generally deemed so just. The whole maritime equipments of Great Britain, it was fondly supposed in America and feared in England, could not transport troops sufficient to reduce three millions of people so united in their determination to sacrifice everything in their struggle for freedom. The moment of conciliation, if not already irrevocably past in the decrees of the Omniscient, was still unimproved by the controlling councils of the parent state.

The crown remained unmoved by their petition, the ministry became more frenzied by so unexpected a defiance of their armies, and their mad measures were

persisted in by parliament. The colonists were declared rebels, all trade with them was prohibited; their property declared confiscated, and, with their persons, made liable to seizure, while hordes of British and foreign troops were sent over to force them to submission. Every principle of justice; every sentiment of honor, honesty, and humanity; every maxim of good and equitable government; and the plainest precepts of political liberty; were disregarded and trampled down by an arbitrary, reckless, and infuriate administration, now openly and firmly defended and sanctioned by the crown.*

The colonial congress at Philadelphia, Sept., 1775.

* 6. Am. Archives, p. 6.

Under these circumstances, this session of the congress was necessarily continuous and protracted: Its labors were arduous, difficult, and momentous in their performance; lasting and comprehensive in their sequences. The military operations to be directed; the fiscal system to be perfected; the army regulations; the appliances for maritime defence; were all matters for serious calculation and profound deliberation; while the general government of the colonies under the confederated union, and the direction of the contest which now agitated and held in abeyance the destinies of this great people, imposed upon the members an immense and far-reaching responsibility. It is not my purpose to speak of the conflict which for seven long years tested the wisdom and integrity of the congress, and the patriotism, the virtue, and the valor of the people of America. Nor do I feel called upon to tell how valiantly they fought, how freely they bled, how much they sacrificed, what perils they encountered, what hardships they endured, or what labors they performed, during this eventful period. All these belong to another branch of their history. It sufficeth my purpose here to say, that in defence, the congress fitted out armed vessels to intercept such supplies as were designed for the British troops; all exportations except from one colony to another were prohibited; letters of marque and reprisal

Position of the congress.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, Sept., 1775.

were issued; and it was generally declared, "that the exercise of every kind of authority under the crown of Great Britain be utterly suppressed throughout the colonies in America."

The crisis in their governmental transition.

Thus they were forced on, step by step, till at length the ties of kindred were disregarded, every feeling of affection was stifled, and the sympathy of consanguinity which had hitherto prompted their patient endurance of the wrongs inflicted by the mother country, and nourished the hope of reconciliation, had now forever lost its influence over the people of America. Nothing further remained but to sever the tie of their political relationship. Their present position foreshadowed the certainty of this result. The suppression by the congress of the exercise of any and all authority under the crown of Great Britain, was an exceedingly important step in their governmental history. It was virtually erecting that body into an independent national government, vested with the attributes of sovereignty of which it had thus and so summarily disrobed the parent kingdom. The power of the crown being suppressed, the power of the congress necessarily takes its place. The as yet uninherited and unachieved sovereignty of the colonies is swallowed up in the supremacy of the congress, and they have voluntarily become subject to its direction and control. How far their now unknown and unclaimed independence as separate sovereignties may be made ultimately to consist with this supremacy of power in a national administration, will become a matter of curious and interesting inquiry hereafter. Meanwhile we must note and remember the important fact, that the formal and open declaration of their independence as United States had not as yet been agitated in the congress, although it had become a matter of somewhat earnest discussion in several of the provincial assemblies; in the correspondence of members with their constituents; and between eminent civilians, and

The question of independence.

prominent officers of the army. The congress itself, indeed, seems to have been slow in encouraging any such measure or design. So much so that they were thus rebuked in a letter written by General *Charles Lee* to *Richard Henry Lee*, then a member of the congress :

“*Williamsburgh*, May 10, 1776.

“My Dear Friend : Your brother and I think, from the language of your letters, that the pulse of the congress is low, and that you yourself, with all your vigor, are, by collision, somewhat more contracted in your hopes than we wished to have found. If you do not declare immediately for positive independence, we are all ruined. There is poorness of spirit and languor in the late proceedings of congress, that, I confess, frightens me so much that at times I regret having embarked my all, my fortune, life, and reputation, in their bottom. I sometimes wish I had settled in some country of slaves, where the most lenient master governs. However, let the fate of my property be what it will, I hope I shall preserve my reputation, and resign my breath with a tolerable degree of grace. God bless you. I cannot write more at present. ‘Ah, Cassius, I am sick of many griefs.’

“Yours, most entirely,

“CHARLES LEE.”*

* 6 Am.
Archives,
p. 407.

This impatience of the delay of congress to declare their independence seems to have been generally prevalent with the officers of the army, who considered such a step necessary in order to inspire and encourage the provincial troops. To fight for reconciliation with Great Britain they had but little energy and no ambition. Independence was now alone their aim.

The first energetic movement in this direction in the congress was made on Friday, the seventh day of June, 1776, when resolutions to that effect were moved and seconded, as follows, viz. :

Resolutions of
independence,
June
7th, 1776.

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ORIGIN AND CAUSES OF THE REVOLUTION.

The colonial congress at Philadelphia, 1776.

“RESOLVED, That these united colonies are, and of right ought to be, *free and independent states*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.

Foreign alliances.

“RESOLVED, That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

For a confederation.
* 6 Am. Archives, p. 1700.

“RESOLVED, That a plan of confederation be prepared and transmitted to the respective colonies, for their consideration and approbation.”*

Reference and report on the resolutions.

These resolutions were referred to a committee of the whole congress, and deliberated from day to day, till the tenth of June, when the following report was made:

“RESOLVED, That the consideration of the first resolution be postponed to Monday, the first day of July next; and, in the mean while, that no time be lost in case the congress agree thereto, that a committee be appointed to prepare a *declaration* to the effect of the said first resolution, which is in these words: ‘That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.’”

On the first day of July, the foregoing resolution was made the order of the day for Tuesday, July second, when it was adopted by the congress. The proposed *Declaration* under it was considered from day to day, till the fourth, when, the congress having resolved itself into a committee of the whole, Mr. Harrison stated that the committee had agreed on a declaration, which they desired him to report. Whereupon, the declaration being read, was agreed to, engrossed, and subscribed, as follows, viz.:

“A DECLARATION

By the Representatives of the United States of America, in General Congress assembled.

The colonial congress at Philadelphia, 1776.

“When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the Earth the separate and equal station to which the *Laws of Nature* and of *Nature’s God* entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Preamble.

“We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes, and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their *right*, it is their *duty*, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of gov-

Inalienable rights.

Right of revolution.

PART III.

ORIGIN AND CAUSES OF THE REVOLUTION.

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Tyranny and usurpation of the king of Great Britain.

ernment. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states: To prove this, let *facts* be submitted to a candid world.

“He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained, and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time, exposed to all the dangers of invasions from without, and convulsions from within.

“He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands. He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers. He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude

of new offices, and sent hither swarms of officers to harass our people and eat out their substance. He has kept among us in times of peace, *standing armies*, without the *consent* of our legislatures. He has affected to render the *military* independent of, and superior to the *civil* power.

“He has combined with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation; For quartering large bodies of armed troops among us; For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; For cutting off our trade with all parts of the world; For imposing taxes on us without our consent; For depriving us, in many cases, of the benefit of trial by jury; For transporting us beyond seas to be tried for pretended offences; For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring themselves invested with *power to legislate for us in all cases whatsoever*.

“He has abdicated government here, by declaring us out of his protection, and waging war against us. He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large armies of foreign mercenaries, to complete the works of *death, desolation, and tyranny*, already begun, with circumstances of *cruelty and perfidy*, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation. He has constrained our fellow citizens taken captive on the high seas, to bear arms against their

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country; to become the executioners of their friends and brethren, or to fall themselves by their hands. He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

Petitions
for redress.

“In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a *tyrant*, is unfit to be the ruler of a *free people*. Nor have we been wanting in attentions to our British brethren; we have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us; we have reminded them of the circumstances of our emigration and settlement here, we have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence; They too have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, *enemies in war, in peace, friends*.

“WE, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, Do, in the name, and by authority of the good people of these colonies, solemnly publish and *declare*, That these United Colonies, are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown; and that all political connexion between them, and the state of Great Britain, is, and ought to be totally dissolved, and that, as FREE AND INDEPENDENT STATES,

they have full power to levy war, conclude peace, con-tract alliances, establish commerce, and to do all other acts and things, which INDEPENDENT STATES may of right do. And for the support of this DECLARATION, with a firm reliance on the protection of *Divine Providence*, we mutually pledge to each other our *lives*, our *fortunes*, and our *sacred honor*.

The colonial congress at Philadelphia, 1776.

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT, MATTHEW THORNTON.
WILLIAM WHIPPLE,

MASSACHUSETTS BAY.

SAMUEL ADAMS, ROBERT TREAT PAINE,
JOHN ADAMS, ELBRIDGE GERRY.

RHODE ISLAND, &c.

STEPHEN HOPKINS, WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN, WILLIAM WILLIAMS,
SAMUEL HUNTINGTON, OLIVER WOLCOTT.

NEW YORK.

WILLIAM. FLOYD, FRANCIS LEWIS,
PHILIP LIVINGSTON. LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON, JOHN HART,
JOHN WITHERSPOON, ABRAHAM CLARK.
FRANCIS HOPKINSON,

PENNSYLVANIA.

ROBERT MORRIS, JAMES SMITH,
BENJAMIN RUSH, GEORGE TAYLOR,
BENJAMIN FRANKLIN, JAMES WILSON,
JOHN MORTON, GEORGE ROSS.
GEORGE CLYMER,

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DELAWARE.

CÆSAR RODNEY, THOMAS M'KEAN.
GEORGE READ,

MARYLAND.

SAMUEL CHASE, CHARLES CARROLL, of
WILLIAM PACA, Carrollton.
THOMAS STONE,

VIRGINIA.

GEORGE WYTHE, THOS. NELSON, JR.,
RICHARD HENRY LEE, FRANCIS LIGHTFOOT LEE,
THOMAS JEFFERSON, CARTER BRAXTON.
BENJAMIN HARRISON,

The men
of 1776.

NORTH CAROLINA.

WILLIAM HOOPER, JOHN PENN.
JOSEPH HEWES,

SOUTH CAROLINA.

EDWARD RUTLEDGE, THOMAS LYNCH, JR.,
THOS. HEYWARD, JR., ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT, GEORGE WALTON.
LYMAN HALL,

Resolution
upon.

RESOLVED, That this declaration be sent to the several assemblies, conventions, and committees, or councils of safety; and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.

Conclusion
of Part III.

If we knew nothing more of the history of those men who guided our councils and our armies during this trying period, than that they purposed, and resolved, and wrought out our independence; that they were instrumental in erecting the fair fabric of government which has made us so free, so happy, and so prosperous a nation; we should be apt to think that heaven had endowed them with superior wisdom and

virtue. But they were *religious men*; and to whatever name, or creed, or sect they belonged, they forgot all these party discriminations, and remembered only those fundamental principles of their religion which were embraced alike in the faith of all. They were *self-governed men*; and in their exalted virtue they abandoned all considerations of self, and sought solely and only the good of their country. They periled their lives, their fortunes, and their sacred honor, to secure its liberties. They were persuaded, they felt, that the contest was one which involved the dearest and most important of human rights and human destinies; that on the issue of it depended the proudest hopes of AMERICA not only, but of all mankind. They loved justice and hated oppression; and they felt that the triumph of those principles of civil and religious liberty for which they were contending, was the sure precursor of infinite good to the whole human family. They thought not of the present alone, they thought, and acted, and lived, and struggled, and suffered for the future; they forgot all else in their zeal for posterity. Freely and cheerfully exposed their lives, devoted their property, and consecrated their blood, to achieve for and transmit to them freedom and independence; satisfied beyond all doubt, that on that independence alone, depended the most glorious prospects that had ever been opened to the world. Such were the feelings, the views, the hopes, the faith, which inspired the fathers of our revolution. The history of mankind has never before known such illustrious benefactors, such generous patriotism, such disinterested philanthropy, such unselfish regard for the liberties and the welfare of our race. They were swayed by purer, nobler, prouder, worthier, purposes than ever hallowed the council chambers of Greece or of Rome. I admire the schemes which held together those early and famed republics. I venerate the sages, and the heroes of Athens, of Sparta, and of Rome; but I admire far more our own political

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The colonial congress at Philadelphia, 1777. fabric: I venerate with a loftier and holier enthusiasm the sages, the heroes, and the patriots, of my own native land: And I religiously believe that the eye of the Omniscient never rested with so intense an interest on any other assembly of men gathered for political purposes.

END OF PART III.

PART IV.

THE GOVERNMENTAL HISTORY OF THE THIRTEEN ANGLO-AMERICAN
COLONIES FROM THEIR UNION UNDER THE DECLARATION OF INDE-
PENDENCE TO THE ADOPTION OF THE PRESENT CONSTITUTION.

THE Declaration of Independence was the necessary and legitimate result of the full development of the political elements of freedom embraced in the protestantism of the Reformation. It was inaugurated, as we have seen, by Martin Luther, in his humble protest against the imperial supremacy claimed by the pontificate of Rome in matters of religion. In the same aspect of it, it was made more powerful and prominent when Henry VIII. of England protested against the power of the Pope, on his refusal to annul the religious obligation of the sacrament of marriage, by divorcing him from his queen Catharine, and sanctioning his alliance with Anne Boleyn. In its relations with the freedom of the subject in matters of religious opinion, organization, and worship, merely; it gained considerable ascendancy during the reigns of Mary, Elizabeth, and their successors. Its general political bearing was indeed first known and felt, in the severance of the crown and kingdom from all allegiance to Rome. But this phase of it was not at all developed, so as to attract the interested attention of the people, until the puritans disclosed it more distinctively in their controversies with both the Church and the Crown. They transplanted it to the shores of New England where it became more fully developed, spread itself throughout the colonies, giving origin, vitality, and protection, to their free governments, laws, and municipal institutions; while

Protestant-
ism and the
Declara-
tion of In-
depend-
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See PART
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Protestant-
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Declara-
tion of In-
depend-
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Triumph
of protest-
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England.

Its triumph
in Ameri-
ca.

its reactive energies contributed to vivify the leaven of freedom already at work with the mass of mind in the old world. Its most signal achievement in the mother country, was its own elevation to the throne in the persons of William and Mary, and the establishment of a *Protestant succession* in their line by act of parliament; giving to the nation a free constitution, and to the people a share in the sovereignty vested in the crown; just one century before the adoption of our present federal Constitution. The English revolution thus heralded the more thorough development and diffusion of its elements of political freedom in both countries; while in the Anglo-American colonies it infused into the minds of the people, and the councils of the various provinces, a spirit of liberty and independence, which resulted, as now, in the severance of the relations of political supremacy and subjection between the empire of Great Britain and the inhabitants of America.

Thus it is that a Protestant Christianity has been made, and is, under Providence, the life and the conservation of our republican freedom, union, and institutions: So that by the constitutions of all the states, as well as by the consent of the whole American people, it is now regarded as an essential element in our political systems; while the Bible, whence it emanates, is the acknowledged depository and fountain of all civil and religious liberty. Though our forefathers did, yet it is to be feared that the statesmen and politicians of our own day have not, thus read the genealogical record of our free institutions and forms of government. Yet it well becomes the Christian historian and philosopher, as well as the rulers and the people, to refer to the true foundations, if they would preserve the superstructure in a healthy, vigorous, and permanent existence.

The Declaration of Independence, thus initiated, it will at once be observed, opened a new and interesting era in the governmental history of the colonies. Having ventured to assume a separate and equal rank among

the nations of the earth by proclaiming that they were *free and independent states*; that they were absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain was totally dissolved; and that as *free and independent states* they had power to levy war; con-
 clude peace; contract alliances; establish commerce; and to do all other acts and things which independent states may of right do; the necessity was originated for the adoption of some new system of government, as well to establish and define their relations with each other, as to regulate their intercourse and relations with foreign powers. The fabric of association under which they had hitherto united, was inadequate, in its nature and provisions, to their present position; inas-
 much as in its formation they had not contemplated a separation of themselves from all dependence upon the British crown. Their confederation was the offspring of the peculiar circumstances by which they were surrounded, and, though not in its original objects or design, was yet in its spirit and its tendencies, of a revolutionary character, and may well be denominated *a revolutionary government*. It might have availed them as colonies for all the purposes of resisting the aggressions, or staying the oppressions of the parent state, while that was their only aim; while each admitted and felt the necessity of such resistance; and while the nature and extent of that resistance seemed limited and defined by the respected sense of allegiance. But when the sense of allegiance was itself eradicated, and the object of resistance was to establish their independence; when they had brought themselves to feel that they were no longer an infant community subject to the control of a parent power; that they had attained to the full stature, to the maturity, strength and position, of a gigantic Nation; they felt also that other and far higher interests depended on the issue of achieving and sustaining their independence. They felt, that what-

Effect of
the Decla-
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Independ-
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the condi-
tion of the
colonies,
1776

Necessity
of a new
govern-
ment.

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ever the force of arms, nerved and wielded by the indignant resistance of a people rising against their oppressors and resolved upon independence, might accomplish; the security and respectability of the position which they had taken before the world, depended more upon a wisely-adapted and well-ordered frame of government.

Committee
appointed
to draft a
form of
confede-
ration,
June 11th.
* 7 Am.
Archives.
Committee
on the con-
federation.

It was with a deep and solemn sense of the importance of these considerations that the congress assembled at Philadelphia, anticipating the necessity,

“Resolved, that a committee be appointed to prepare and digest the form of a confederation to be entered into between these colonies.”*

The members appointed upon this committee, pursuant to the resolution, were, Mr. Bartlett, of New Hampshire; Mr. S. Adams, of Massachusetts; Mr. Hopkins, of Rhode Island; Mr. Sherman, of Connecticut; Mr. R. R. Livingston, of New York; Mr. ———, of New Jersey; Mr. Dickinson, of Pennsylvania; Mr. McKean, of Delaware; Mr. Stone, of Maryland; Mr. Nelson, of Virginia; Mr. Hewes, of North Carolina; Mr. Rutledge, of South Carolina; and Mr. Gwinnett, of Georgia.

First re-
port of the
committee,
July 12th.

The committee, having taken the subject into consideration, reported a draft of articles on the twelfth day of July following; which being read before the congress in committee of the whole, it was

Ordered
printed.

“Ordered, that eighty copies and no more, be printed for the use of the members; the printer to be bound under oath to deliver all the copies which he should print, together with the copy sheet, to the secretary; and not to disclose, either directly or indirectly, the contents of the said confederation: That no member furnish any person with his copy, or take any steps by which the said confederation may be re-printed; and that the secretary be under the like injunction.”

Secrecy
enjoined.

The subject continued to be debated from time to time, or discussed among the members of the commit-

tee, and seems to have been attended with a great deal of difficulty, which rendered it extremely doubtful whether any confederated union of the colonies as independent states could be satisfactorily established. Each began to feel as if it were severally independent, and to claim a corresponding importance. There were, indeed, questions of interesting and far-reaching magnitude involved in the proposition, which were not, and could not have been, anticipated in their state of dependency upon the crown, but which now crowded upon their deliberations with a critical and urgent necessity and importance. "If a confederation should take place," says John Adams, in a letter written from Philadelphia at this time, "one great question is, how we shall vote; whether each colony shall count one, or whether each shall have a weight in proportion to its number, or wealth, or exports and imports, or a compound ratio of all? Another is, whether congress shall have authority to limit the dominions of each colony; to prevent those which claim, by charter, or proclamation, or commission, to the *south sea*, from growing too great and powerful, so as to be dangerous to the rest?"*

The congress at Philadelphia, 1776.

The confederation proposed by the committee.

Difficulties of the question. July 29th.

* 1 Am. Archives, 8th series.

On the twentieth of August, the congress being in committee of the whole, Mr. Morton reported, that the committee having under consideration the form of a confederation "had gone through the same, and agreed to sundry articles which he was ordered to submit to the congress." This report being read, it was "*ordered*, that eighty copies of the articles of confederation as reported from the committee of the whole, be printed under the same injunctions as the former articles were printed; and delivered to the members under the like instructions as formerly."

Second report of the committee, Aug. 20th.

Ordered printed.

On the tenth of September, Mr. Josiah Bartlett, in congress, at Philadelphia, writes to Col. Whipple, at Boston, "nothing has since been done about the confederation, as the congress is pretty thin, and hurried

PART IV.

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The congress at Philadelphia, 1776. with other business." And again, on the fourteenth of the same month, "the affair of the confederation rests at present."

Delay of the confederation. Thus the matter continued to linger in the consideration of congress, most generally being deferred on account of the more immediate necessity of legislation

Its embarrassments. with reference to the army and the war; and also because of the difficulty of adjusting its various articles to the satisfaction of the several colonies. The provisions which gave rise to the most discussion, as they proceeded, related to the mode of voting; to the basis of representation in congress; to the apportionment of the general expenses among the states, and their territorial limits; to the powers of congress and of the states; and to the currency; all of which were matters of grave debate and tended to protract their deliberations. Thus the subject continued to be agitated until the fifteenth day of November, when the committee reported the following articles, which were agreed to, and adopted by the congress, viz.:

Articles reported and adopted.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION, BETWEEN THE STATES of *New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

Its style. ART. 1. The style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

State sovereignty. ART. 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in congress assembled.

The covenant. ART. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to as-

sist each other against all force offered to, or attacks made upon them, or any of them, *on account of religion*, sovereignty, trade, or any other pretence whatever.

The congress at Philadelphia, 1776. Articles of confederation adopted Nov. 17th.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and egress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions, as the inhabitants thereof respectively; provided, that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also, that no impositions, duties, or restrictions shall be laid by any state on the property of the United States, or either of them.

Inter-course between the states.

§ 2. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any part of the United States, he shall, upon the demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Fugitives from justice.

§ 3. Full faith and credit shall be given in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

State records.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November in every year, with a power reserved to each state to recall its delegates, or

Delegates to congress.

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The congress at Philadelphia, 1776. any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

Articles of confederation adopted Nov. 17th. § 2. No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

Maintenance of delegates. § 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of these states.

Vote of each state. § 4. In determining questions in the United States in congress assembled, each state shall have one vote.

Freedom of speech and exemption from arrest. § 5. Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

State embassies, alliances, &c. ART. 6. § 1. No state, without the consent of the United States in congress assembled, shall send an embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state, nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

Treaties between the states. § 2. No two or more states shall enter into any treaty, confederation or alliance whatever, between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

The congress at Philadelphia, 1776. Imposts, duties, &c.

§ 4. No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

Vessels of war and military forces.

§ 5. No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled; unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall

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phia, 1776.
Articles of
confedera-
tion adopt-
ed Nov.
17th.

Land
forces, how
officered.

Expenses
of war, &c.
how to be
levied.

Powers of
the con-
gress, and
restrictions
on the
states.

continue, or until the United States in congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

ART. 9. § 1. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances; *provided* that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal; and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or ap-

propriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracy and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

The congress at Philadelphia, 1776. Articles of confederation adopted Nov. 17.

§ 2. The United States in congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine, names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present;

Congress a court of appeal in the last resort.

The con- shall refuse to strike, the congress shall proceed to
gress at nominate three persons out of each state, and the sec-
Philadel- retary of congress shall strike in behalf of such party
phia, 1776. absent or refusing; and the judgment and sentence of
Articles of the court, to be appointed in the manner before pre-
confedera- scribed, shall be final and conclusive; and if any of the
tion adopt- ed Nov. 17. parties shall refuse to submit to the authority of such
court, or to appear or defend their claim or cause, the
court shall nevertheless proceed to pronounce sentence,
or judgment, which shall in like manner be final and
decisive; the judgment or sentence and other proceed-
ings being in either case transmitted to congress, and
lodged among the acts of congress, for the security of
the parties concerned: *provided*, that every commis-
sioner, before he sits in judgment, shall take an oath,
to be administered by one of the judges of the supreme
or superior court of the state where the cause shall be
tried, "well and truly to hear and determine the mat-
ter in question, according to the best of his judgment
without favor, affection, or hope of reward." *Pro-
vided, also*, that no state shall be deprived of territory
for the benefit of the United States.

Jurisdic-
tion of
congress
as to right
of soil.

§ 3. All controversies concerning the private right
of soil claimed under different grants of two or more
states, whose jurisdiction, as they may respect such
lands and the states which passed such grants are ad-
justed, the said grants of either of them being at the
same time claimed to have originated antecedent to
such settlement of jurisdiction, shall, on the petition
of either party to the congress of the United States, be
fully determined, as near as may be, in the same man-
ner as is before prescribed for deciding disputes respect-
ing territorial jurisdiction between different states.

Value of
coin.
Weights
and meas-
ures.

§ 4. The United States in congress assembled, shall
also have the sole and exclusive right and power of
regulating the alloy and value of coin struck by their
own authority, or by that of the respective states; fix-
ing the standard of weights and measures throughout

the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States: making rules for the government and regulation of the said land and naval forces, and directing their operations.

The congress at Philadelphia, 1776. Articles of confederation adopted Nov. 17.

Army, trade, post office, &c.

§ 5. The United States in congress assembled, shall have authority to appoint a committee to sit in the recess of congress, to be denominated "*A Committee of the States*," and to consist of one delegate from each state: and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or remit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or remitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, clothe, arm, and equip them, in a

Committee of the states.

Its jurisdiction and powers.

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES.

The con-
gress at
Philadel-
phia, 1776.
Articles of
confedera-
tion adopt-
ed Nov. 17.

soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

Powers by
consent of
nine states.

§ 6. The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

Majority
of votes to
rule.

Adjourn-
ment of
congress.

§ 7. The congress of the United States shall have power to adjourn to any time within the year, and to

any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislature of the several states.

The congress at Philadelphia, 1776. Articles of confederation adopted Nov. 17th.

ART. 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States, in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

Further powers to the comm. of the states.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Admission of Canada and other colonies.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Public faith pledged to bills of credit.

ART. 13. Every state shall abide by the determination

Supremacy of congress.

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THE REVOLUTIONARY UNION OF THE COLONIES

The con-
gress at
Philadel-
phia, 1776. tion of the United States in congress assembled, in all
questions which, by this confederation, are submitted
to them. And the articles of this confederation shall
Duration of the con- be inviolably observed by every state, and the union
federation. shall be perpetual: nor shall any alteration at any
time hereafter be made in any of them, unless such
alteration be agreed to in a congress of the United
States, and be afterwards confirmed by the legislature
of every state."

Reference of the arti- It was then further provided, that "These articles
cles to shall be proposed to the legislatures of all the United
the states. States, to be considered, and if approved of by them,
they are advised to authorize their delegates to ratify
the same in the congress of the United States; which
being done, the same shall become conclusive."
Whereupon, "the committee appointed to revise and
arrange the articles were *ordered*, to have three hundred
copies printed and lodged with the secretary, to be
subject to the future order of congress."*

* Journals
of con-
gress.

Immediately after the adoption of the Articles of Confederation, a committee was appointed by the congress to prepare a circular letter to accompany them, a draft of which was reported on the seventeenth day of the same month, and adopted, as follows, viz.:

Circular
letter of
the con-
gress to the
colonies,
Nov. 17th.

"IN CONGRESS, *York-Town*,† Nov. 17, 1776.

"Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

Causes of
delay in
preparing
the articles.

"This business, equally intricate and important, has, in its progress, been attended with uncommon embar-

† During the month of September, the president of congress received a letter from Colonel Hamilton, then one of General Washington's aids, intimating the approach of the royal army, and the necessity of removing the congress immediately from Philadelphia; whereupon the members left the city and repaired to Lancaster, and thence to York-Town.

rassments and delay, which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinions and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.

Circular letter of the congress to the colonies upon the articles of confederation, Nov. 17th, 1776.

“Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked that after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all; and as that alone, which affords any tolerable prospect of general ratification.

Character of the plan.

“Permit us then earnestly to recommend the *articles* to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties: Let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same eminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble: And, finally, let them be adjusted with the temper and management of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments when they may be incompatible with the safety, happiness, and glory, of the general confederacy.

Recommendation to the states.

Urging their impartial examination.

Further delay unavoidable.

“We have reason to regret the time which has

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THE REVOLUTIONARY UNION OF THE COLONIES

Circular letter of the congress to the colonies upon the articles of confederation, Nov. 17th, 1776. elapsed in preparing this plan for consideration; with additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

Importance of its ratification. "More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home and our treaties abroad.

Its necessity and urgency. "In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may be constrained to bid adieu to independence, to liberty, and safety—blessings which, from the justice of our cause, and the favor of our Almighty Creator visibly manifested in our protection, we have reason to expect; if, in an humble dependence on his Divine Providence, we strenuously exert the means which are placed in our power.

Recognition of Providence. "To conclude, if the legislature of any state shall not be assembled, congress recommend to the executive authority to convene it, without delay; and to each respective legislature it is recommended to invest its delegates with competent powers ultimately, in the name and behalf of the state, to subscribe *articles of confederation and perpetual union* of the United States; and to attend congress for that purpose on or before the —— day of ——."

To the executive and legislatures of the states. Whereupon it was "*Ordered*, that thirteen copies be made out and signed by the president, and forwarded to the several states, with copies of the confederation."

Copies ordered for the states. On the twenty-ninth day of November, congress further "*Resolved*, that a committee of three be appointed to procure a translation to be made of the articles of confederation into the French language, and to report an address to the inhabitants of Canada, &c., &c."

To be translated into French.

Address to Canada.

While the states are deliberating upon the articles of confederation, we find the congress engaged in matters quite as interesting and important, bearing with equally material and lasting relations upon our governmental history. Next to their own union, nothing could be more important to them than the recognition of their national existence by foreign powers. And when, in the month of September, 1776, *Benjamin Franklin, Silas Deane* and *Arthur Lee* were secretly commissioned by the congress plenipotentiaries to the court of France, to negotiate a treaty of alliance and friendship with that power, they ventured upon an experiment necessary indeed, but still of critical and momentous interest to themselves not only, but also to all mankind. It was therefore with peculiar anxiety that they awaited the result of that mission.

Treaties of alliance, &c., with France.

The commission appointed to negotiate an alliance with France, 1776.

Harassed by the perplexities of legislation necessary to provide for the deficiencies of an embarrassed treasury, to meet the wants of restless and desponding officers and troops, to guard against the strategy of a wily and inveterate foe; uncertain and disturbed in their sessions; with the bond of union between themselves yet in painful doubt; the congress adjourned on Saturday, the second day of May, 1778, "to ten o'clock on Monday;" coveting and welcoming, as thousands have done before and since, the repose and refreshing of the intervening Sabbath.

General condition of affairs in the congress.

During this adjournment, Mr. Simeon Deane, brother of Silas Deane, Esquire, one of the commissioners at the court of Versailles, arrived express from France, with sundry important despatches; whereupon congress was convened, and the despatches opened and read. Among them was found an *Act Separate and Secret*, a treaty of *Amity and Commerce*, and a treaty of *Alliance*, concluded "between his most Christian Majesty, the King of France, and the *United States of America*, on the sixth day of February, 1778."

Arrival of special dispatches from France, May 2-4, 1778. Congress convened, and dispatches opened. Treaties enclosed.

This was the most brilliant and cheering ray of

Treaties of alliance with France, 1778.	promise which had yet dawned upon the militant fathers of freedom in America. It illumined the whole continent. It inspirited the congress, the colonies, the army, and the people, with new and mōre vigorous hope and energy, and had also a quickening influence
Effect of.	upon the fate of the confederation. Indeed, so overjoyed was the congress at their reception, that they took them into consideration Monday, May fourth, at ten o'clock, A. M., and heard them read; then adjourned to three o'clock in the afternoon, when they met again and "resumed the consideration of the <i>Treaty of Amity and Commerce</i> ; and the same being read, duly weighed and considered, it was
Resolutions of ratification.	"RESOLVED <i>unanimously</i> , That the same be and hereby is ratified." They then took into consideration the <i>Treaty of Alliance</i> ; and the same being read, duly weighed and considered, "RESOLVED <i>unanimously</i> , That the same be and hereby is ratified."
	They then took into consideration the <i>Act Separate and Secret</i> ; and the same being duly weighed and considered, "RESOLVED <i>unanimously</i> , That the same be and hereby is ratified." Also,
Resolution of thanks upon.	"RESOLVED, That this congress entertain the highest sense of the magnanimity and wisdom of his Most Christian Majesty, so strongly exemplified in the Treaty of Amity and Commerce, and the Treaty of Alliance, entered into on the part of his Most Christian Majesty, with these United States, at Paris, on the 6th day of February last; and the commissioners or any of them representing these states, at the Court of France, are directed to present the grateful acknowledgments of this congress to his Most Christian Majesty, for his truly magnanimous conduct, respecting these states, in the said generous and disinterested treaties; and to assure his Majesty, on the part of this congress, it is sincerely

wished that the friendship so happily commenced, between France and these United States, may be perpetual.”

“RESOLVED, That a committee of three be appointed to prepare the form of a ratification of the foregoing Treaties.”

The members appointed on this committee were, Mr. R. H. Lee, Mr. Dana, and Mr. Drayton; who reported a draft the next day, which was read and adopted as follows, viz.:

“The Congress of the UNITED STATES of New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; Delaware; Maryland; Virginia; North Carolina; South Carolina; and Georgia; by the grace of God, Sovereign, Free and Independent; to all who shall see these presents, Greeting.

“WHEREAS, in and by our commission, dated at Philadelphia, the thirtieth day of September, in the year of our Lord one thousand seven hundred and seventy-six; *Benjamin Franklin*, one of the delegates in congress from the state of Pennsylvania, and president of the convention of the said state; *Silas Deane*, late a delegate from the state of Connecticut; and *Arthur Lee*, barrister at law; were nominated and appointed our commissioners, with full powers to treat, agree, and conclude with his most Christian Majesty, the king of France; or with such persons as should be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection, and safety of the navigation and mutual commerce of the subjects of his most Christian Majesty and the people of the United States, we, promising in good faith to ratify whatsoever our said commissioners should transact in the premises; And whereas our said commissioners in pursuance of their full powers, on the sixth day of February last, at Paris, with *Conrad Alexander Gerard*, royal syndic of the

Treaties of alliance, &c., with France.

Action of congress upon, May 4th, 1778.

Committee appointed on the ratification.

Form of ratification reported and adopted, May 4th.

Treaties of alliance, &c., with France, 1778. city of Strasburg, secretary of his most Christian Majesty's Council of State; by virtue of powers plenipotentiary to him granted by his most Christian Majesty, and dated the 30th day of January, in the year of our Lord one thousand seven hundred and seventy-eight, did conclude and sign, on the part of the crown of France, and of the United States of America, a (Treaty of Amity and Commerce, or Treaty of Alliance, or Act Separate and Secret,) in the following words (here inserting the respective Treaties, verbatim, French and English.)

Form of ratification adopted by the congress, May 4th.

"NOW KNOW YE, that We, *the said congress*, have unanimously ratified and confirmed, and by these presents do ratify and confirm the said treaty and every part, article and clause thereof, on our part concluded and signed as aforesaid; and further, do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification in exchange for the ratification of the said treaty, on the part of his most Christian Majesty, the king of France and Navarre.

"DONE IN CONGRESS, at York Town, in the State of Pennsylvania, this 4th day of May, in the year of our Lord one thousand seven hundred and seventy-eight. *In testimony whereof*, the president, by order of the said congress, hath hereunto subscribed his name and affixed his seal. * * * * President. [L. S.]

Attest, * * * Secretary."

Copies ordered to be transmitted to France.

Whereupon six copies of the treaties, with the ratification agreed to, were ordered to be made out and transmitted by the Committee for Foreign affairs to the commissioners of the United States at the court of France, by different conveyances. The committee, appointed to prepare the form of ratification were then further instructed to prepare "a proper publication on the present occasion."

Publication of the fact.

This publication commenced with a recital of the fact of the reception of the treaties by the congress, and

their action upon them, suggests resolutions providing for their faithful performance, and recommends "to all the inhabitants of these states to consider the subjects of his Most Christian Majesty as their brethren and allies; and that they behave towards them with the friendship and attention due to the subjects of a great prince, who, with the highest magnanimity and wisdom, hath treated with these United States on terms of perfect equality and mutual advantage, thereby rendering himself the protector of the rights of mankind."* * Journals of Congress.

† The Treaty of Amity and Commerce was as follows, to wit:

TREATY OF AMITY AND COMMERCE.

"The Most Christian King and the thirteen United States of North America, viz.:—(naming them,) willing to fix, on an equitable and permanent manner, the rule which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, states and subjects; his Most Christian Majesty and the said United States have judged that the said end could not be better attained that by taking for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting navigation and commerce, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; *reserving withal, to each party*, the liberty of admitting at its pleasure other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfill these views, that his said majesty, having named and appointed for his plenipotentiary

The treaty of amity and commerce with France, Feb., 1778.

Basis of the agreement.

Plenipotentiaries.

† The Treaties were not made public at this time, but I insert them in this connection to preserve the chronological arrangement.

The treaty of amity and commerce with France, Feb., 1778. *Conrad Alexander Girard*, royal syndic of the city of Strasburg, secretary of His Majesty's Council of State; and the United States, on their part, having fully empowered *Benjamin Franklin*, deputy from the state of Pennsylvania to the general congress, and president of the convention of said state; *Silas Deane*, late deputy from the state of Connecticut, to the said congress; and *Arthur Lee*, counsellor at law; the said respective Plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following *Articles*:

The compact of amity.

“ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between the Most Christian King, his heirs and successors, and the United States of America; and the subjects of the most christian king and of the said states; and between the countries, islands, cities, and towns, situate under the jurisdiction of the most christian king, and of the said United States, and the people and inhabitants of every degree without exception of persons or places; and the terms hereinafter mentioned, shall be perpetual between the most christian king, his heirs and successors, and the said United States.

Commerce &c., with other nations.

“ART. 2. *The most christian king and the United States engage mutually* not to grant any particular favor to other nations in respect to navigation and commerce, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional.

Imposts and immunities of French subjects in America.

“ART. 3. *The subjects of the most christian king* shall pay in the ports, havens, roads, countries, islands, cities, or towns of the United States, or any of them, no other or greater duties or impost, of what nature soever they may be, or by what name soever called, than those which the nations most favored are, or shall be, obliged to pay: And they shall enjoy all the rights, liberties, privileges, immunities, and exceptions in

trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do, or shall, enjoy.

The treaty of amity and commerce with France, Feb. 1778.

“ART. 4. *The subjects, people, and inhabitants, of the said United States*, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the dominion of his most christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are, or shall be, obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions, in trade, navigation, and commerce, whether in passing from one port in the said dominions in Europe to another, or in going to and from the same from or to any part of the world, which the said nations do, or shall, enjoy.

Imposts and immunities of Americans in the French dominions.

“ART. 5. *In the above exemption* is particularly comprised the imposition of one hundred sous per ton established in France, on foreign ships, unless when the ships of the United States shall load with the merchandize of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned, so long as other nations the most favored shall be obliged to pay it; *but it is understood* that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

Particular exemption.

“ART. 6. *The most christian king shall endeavor*, by all the means in his power, to protect and defend all vessels, and the effects, belonging to the subjects, people or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns, and to recover and restore to the right owners, their agents, or attornies, all such vessels and effects which shall be taken within his jurisdiction; *and the ships of war of*

France to protect the vessels and property of American citizens.

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The treaty of amity and commerce with France, Feb. 1778. his most christian majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people, or inhabitants, of the said United States, or any of them, and holding the same course or going the same way; and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, or violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

The U.S.A. to protect French vessels, &c. “ART. 7. *In like manner the said United States*, and their ships of war, sailing under their authority, shall protect and defend conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most christian king, and use all their endeavors to recover and cause to be restored the said vessels and effects that shall have been taken within the jurisdiction of the said United States or any of them.

France to promote other foreign alliances with the U. S. A. “ART. 8. *The most christian king will employ* his good offices and interposition, with the king or emperor of Morocco or Fez, the regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other prince, state or power, of the coasts of Barbary in Africa, and with the subjects of the said king, emperor, states and powers, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insults, attacks, or depredations, on the part of the said princes, and states of Barbary, or their subjects.

Regulation of fisheries. ART. 9. *The subjects, inhabitants, merchants, commanders of ships, masters and marines of the states, provinces, and dominions, of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party. The most christian king's subjects, shall not fish in the havens, bays, creeks, roads, coasts, or places, which the said United States hold, or shall hereafter hold: And in like manner the subjects, people, and inhabitants, of*

the said United States shall not fish in the havens, bays, creeks, roads, coasts or places, which the most christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated.

The treaty of amity and commerce with France, Feb. 1778.

It is, however, understood that the exclusion stipulated in the present article, shall take place only so long and so far as the most christian king, or the United States, shall not, in this respect, have granted an exemption to some other nation.

“ART. 10. *The United States, their citizens and inhabitants*, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of fishing on the Banks of Newfoundland; nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island, which is designed by the Treaty of Utrecht; nor in the rights relative to all and each of the isles which belong to his most christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris.

Fisheries on the Bank of Newfoundland.

(“ART. 11th and 12th were suppressed by mutual agreement of the contracting parties, Sept. 1778, and were not made public.)

“ART. 13. *The subjects and inhabitants of the said United States*, or any one of them, shall not be reputed *aubenes* in France, and consequently shall be exempted from the *droit d'aubene*, or other similar duty under what name soever; they may by testament, donation, or otherwise, dispose of their goods movable and immovable, in favor of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France, or elsewhere, may succeed them, *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effects of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by

American citizens exempted from the droit d'aubene.

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THE REVOLUTIONARY UNION OF THE COLONIES,

The treaty of amity and commerce with France, Feb. 1778. Also from the droit de' detraction.

particular title or *ab intestat*, shall be exempt from all duty called *droit de' detraction*, or other duty of the same kind; *saving nevertheless* the local rights or duties, as much, and as long as similar ones are not established by the United States, or by any of them.

The subjects of the most christian king shall enjoy on their part, in all the dominions of the said states, an

The exemptions reciprocal.

entire and perfect reciprocity relative to the stipulations contained in the present article. But it is agreed, at the same time, that its contents shall not affect the laws made, or that may be made hereafter, in France, against emigrations; which shall remain in all their force and rigor, and the United States on their part, or any of them shall be at liberty to enact such laws relative to that matter as to them shall seem proper.

Limitation of this article.

Merchant ships suspected of contraband.

“ART. 14. *The merchant ships of either of the parties*, which shall be making unto a port belonging to the enemy of the other ally, and concerning whose voyage and the specific goods on board them there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only their passports, but likewise certificates, expressly showing that their goods are not of the number of those which have been prohibited as contraband.

Contrabands how to be dealt with.

“ART. 15. *If, by the exhibiting of the above said certificates*, the other party discover there are any of those sort of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels, found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, until after that due

and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same; *saving always* as well the ship itself, as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize.

The treaty of amity and commerce with France, Feb., 1776. Contraband not to contaminate free goods.

“*But* if not the whole cargo, but only a part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them; in such case the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound; but in case the contraband merchandize cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

“ART. 16. *On the contrary, it is agreed*, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandize as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without the knowledge of such declaration; so that the goods of the subjects and people of either party, whether they be of the nature of such as were prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored with-

Contra, of goods laden in an enemy's vessel. Except in certain cases.

PART IV.

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The treaty out delay to the proprietors demanding the same ; but of amity so as that, if the said merchandize be contraband, it and com- shall not be any ways lawful to carry them afterwards merce with France, shall not be any ways lawful to carry them afterwards Feb., 1778. to any ports belonging to the enemy. *The two con-*

tracting parties agree that the term of two months being past after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Punish-
ment for-
violations
of this
treaty.

“ART. 17. *And that more effectual care may be taken* for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men-of-war, or privateers, of the other party ; all the commanders of the ships of his most christian majesty and of the said United States, and all their subjects and inhabit-ants, shall be forbid doing any injury or damage to the other side ; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage and the interest thereof by reparation under the pain and obligation of their persons and goods.

Recap-
tured ves-
sels or
merchand-
ize.

“ART. 18. *All ships and merchandize, of what nature soever*, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the prop-erty thereof.

Prizes se-
cured to
the cap-
tors.

“ART. 19. *It shall be lawful for the ships of war of either party*, and privateers, freely to carry whither-soever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges ; nor shall such prizes be arrested or seized when they come to and enter the ports of the other party ; nor shall the searcher or other officers of those places search the same or make examination concerning the lawfulness of such prizes ; but they may hoist sail at

any time, and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show: *On the contrary*, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties, but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

The treaty of amity and commerce with France, Feb., 1778. Contra, when.

“ART. 20. *If any ship belonging to either of the parties*, their people, or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall be given to them for their free and quiet passage from thence, and the return of every one to his own country.

Relief to vessels or subjects in distress.

“ART. 21. *In case the subjects and inhabitants of either party*, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Subjects or vessels driven into port by stress of weather.

“ART. 22. *For the better promoting of commerce on both sides*, it is agreed, that if a war should break out

In case of war between the parties.

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THE REVOLUTIONARY UNION OF THE COLONIES

The treaty of amity and commerce with France, Feb., 1778. between the two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandizes, and if anything be taken from them, or any injury be done them, within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

Privateering.

“ART. 23. *No subjects of the most christian king* shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any province or state with which the said United States shall be at war ; Nor shall any citizen, subject, or inhabitant, of the said United States, or any of them, apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the subjects of the most christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war ; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Privateering, by the subjects of hostile powers.

“ART. 24. *It shall not be lawful* for any foreign privateers, not belonging to the subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince or state, at enmity with either nation, to fit their ships in the ports of either one or the other of the aforesaid parties ; to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandizes, or any other lading : Neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

“ART. 25. *It shall be lawful* for all and singular the subjects of the most christian king, and the citizens, people, and inhabitants, of the said United States, to sail with their ships with all manner of liberty, and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of those who now are or thereafter shall be at enmity with the most christian king, or the United States. *It shall likewise be lawful* for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes afore-mentioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy afore-mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several; *And it is hereby stipulated* that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt, which shall be found on board the ships belonging to the subjects of either of the confederates; although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. *It is also agreed, in like manner,* that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are soldiers and in actual service of the enemies.

The treaty of amity and commerce with France, Feb. 1778. Trade without reference to the ownership of the cargo.

Free ships make free goods.

And free persons.

“ART. 26. *This liberty of navigation and commerce* shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with their fuses, and other things belonging to them; cannon ball, gunpowder, match,

Contraband goods excepted and enumerated.

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The treaty of amity and commerce with France, Feb. 1778. pikes, swords, lances, spears, halberds, mortars, petards, grenadoes, saltpetre, muskets, musket-ball, bucklers, helmets, breastplates, coats of mail, and the like kinds of arms proper for arming soldiers, musket

Merchandise not contraband, enumerated. rests, belts, horses with their furniture, and other warlike instruments whatever. *These merchandizes which follow* shall not be reckoned among contraband or prohibited goods, that is to say ; all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever ; all kinds of wearing apparel, together with the species whereof they are used to be made ; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals ; as also wheat and barley, and any other kind of corn and pulse, tobacco ; and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts ; and in general, all provisions which serve for the nourishment of man-

Goods not contraband.

kind and the sustenance of life. *Furthermore* all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors and any parts of anchors ; also, ships' masts, planks, boards, and beams of what trees soever, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument or thing prepared for war by land or sea, shall not be reputed contraband ; much less such as have been already wrought and made up for any other use ; all which shall be wholly reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods ; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested.

Sea letters.

“ART. 27. *To the end that all manner of dissensions and quarrels may be avoided and prevented on one side*

and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea-letters and passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the said ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is if the ship happens to return home within the space of a year: *It is likewise agreed* that such ships being laden, are to be provided not only with passports, as above mentioned, but also with certificates containing the several particulars of the cargo, the place where the ship sailed, and whither she is bound; that so it may be known whether any forbidden or contraband goods be on board of the same, which certificates shall be made out by the officers of the place where the ship set sail, in the accustomed form, and if any one shall think it advisable to express in the said certificates the persons to whom the goods on board belong, he may freely do so.

The treaty
of amity
and com-
merce with
France,
Feb. 1778.

Certifi-
cates of
cargo, &c.

“ART. 28. *The ships of the subjects and inhabitants of either of the parties*, coming upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes, or break bulk, they shall be treated according to the general rules prescribed, or to be prescribed, relative to the object in question.

Ships en-
tering port
and not
unloading.

“ART. 29. *If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall*

Exhibition
of pass-
ports at
sea.

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THE REVOLUTIONARY UNION OF THE COLONIES

The treaty of amity and commerce with France, Feb. 1778. Boarding vessels at sea.

so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or give her chase, or force her to quit her intended course.

Goods or ships not liable to search.

“ART. 30. *It is also agreed*, that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no further irritation, but all visitation and search shall be made before-hand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of his most christian majesty, or the United States, be put under any arrest, or molested by any other kind of embargo, for that cause, and only the subject of that state to whom the said goods have been, or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Nor persons to arrest.

Consuls, &c.

“ART. 31. *The two contracting parties grant mutually* the liberty of having, each in the ports of the other, consuls, vice-consuls, agents and commissioners, whose functions shall be regulated by a particular agreement.

Free ports of Europe for the U. S. A.

“ART. 32. *And the more to favor and facilitate the commerce* which the subjects of the United States may have with France, the most christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States, and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French Islands of America; of all which free ports the said subjects of the United States shall enjoy the use agreeable to the regulations which relate to them.

"ART. 33. *The present treaty shall be ratified* on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

The treaty of amity and commerce with France, Feb. 1778.

"*In faith whereof* the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals. DONE AT PARIS, this sixth day of February, 1778.

Ratification and exchange of treaty.

C. A. GERARD. [L. S.]

B. FRANKLIN. [L. S.]

SILAS DEANE. [L. S.]

ARTHUR LEE. [L. S.]

"TREATY OF ALLIANCE EVENTUAL AND DEFENSIVE."

"*The Most Christian King and the United States of North America*, to wit: (naming them) having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and so rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain, in resentment of that connection, and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns: *And His Majesty and the said United States*, having resolved, in that case, to join their councils and efforts against the enterprises of their common enemy, the respective Plenipotentiaries empowered to concert the clauses and conditions proper to fulfill the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

The treaty of alliance eventual and defensive with France, Feb., 1778.

Intention of the treaty.

Union against Great Britain.

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The treaty of alliance eventual and defensive with France, Feb., 1778.

War with Great Britain to be made a common cause.

Its essential aim.

Mutuality of effort.

Concert of action.

Reduction of British power in America.

Renunciation of possessions in America by France.

"ART. I. *If war should break out between France and Great Britain*, during the continuance of the present war between the United States and England, his Majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

"ART. II. *The essential and direct end* of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the said United States, as well in matters of government as of commerce.

"ART. III. *The two contracting parties* shall each, on its part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

"ART. IV. *The contracting parties agree*, that in case either of them should form any particular enterprise, in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith join to act in concert for that purpose, as far as circumstances and its own particular situation will permit, and in that case they shall regulate, by a particular convention, the quantity and kind of succor to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

"ART. V. *If the United States should think fit* to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

"ART. VI. *The most Christian King renounces* forever the possession of the island of Bermudas, as well as any part of the continent of North America, which,

before the Treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been, under the power of the king and crown of Great Britain.

The treaty of alliance eventual and defensive with France, Feb., 1778.

“ART. VII. *If his most Christian Majesty shall think proper* to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

Certain islands to appertain to France.

“ART. VIII. *Neither of the two parties* shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained, and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty, or treaties, that shall terminate the war.

Independence of the U. S. A.

“ART. IX. *The contracting parties declare*, that being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

No claim for compensation.

“ART. X. *The most Christian King and the United States agree* to invite, or admit, other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

Other powers to be invited to this alliance.

“ART. XI. *The two parties guarantee mutually* from the present time, and forever, against all other powers, to wit: The United States to his most Christian Majesty the present possessions of the crown of France in America as well as those which it may acquire by the future treaty of peace; and his most Christian Majesty guarantees on his part, to the United States, their lib-

Mutual guarantee.

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The treaty
of alliance
eventual
and defen-
sive with
France,
Feb., 1778.

erty, sovereignty, and independence, absolute and unlim-
ited, as well in matters of government as commerce,
and also their possessions, and the additions or con-
quests *that their confederation may obtain during the*
war, from any of the dominions now or heretofore pos-
sessed by Great Britain in North America, conformable
to the 5th and 6th articles above written, the whole, as
their possession, shall be fixed and assured to the said
states, at the moment of the cessation of their present
war with England.

Explan-
ation of the
last article.

“ART. XII. *In order to fix more precisely* the sense
and application of the preceding article, the contracting
parties declare, that in case of a rupture between France
and England, the reciprocal guarantee declared in the
said article shall have its full force and effect, the mo-
ment such war shall break out; and if such rupture
shall not take place, the mutual obligations of the said
guarantee shall not commence, until the moment of the
cessation of the present war between the United States
and England shall have ascertained their possessions.

Time for
ratifica-
tion.

“ART. XIII. The present treaty shall be ratified on
both sides, and the ratifications shall be exchanged in
the space of six months, or sooner if possible.

Attest-
ation.

In faith whereof, the respective Plenipotentiaries, to
wit: on the part of the most Christian King, *Conrad*
Alexander Gerard, royal Sindie of the city of Strasburgh,
and secretary of his Majesty's council of state; and
on the part of the United States, *Benjamin Franklin*,
deputy of the general congress from the state of Penn-
sylvania, and president of the convention of that state;
Silas Deane, heretofore deputy from the state of Con-
necticut; and *Arthur Lee*, counsellor at law; have
signed the above articles, both in the French and Eng-
lish languages, declaring nevertheless, that the present
treaty was originally composed and concluded in the
French language, and they have hereunto affixed their
seals.

DONE AT PARIS, this 6th day of February, one thousand seven hundred and seventy-eight. Conclusion.

C. A. GERARD. [L. S.]

B. FRANKLIN. [L. S.]

SILAS DEANE. [L. S.]

ARTHUR LEE. [L. S.]

Thus the congress gave a tenfold security to the position of the United Colonies, and made a most effective advance towards promoting their independence. An alliance with so powerful and so respectable a kingdom and people as the French nation, could not operate otherwise than advantageously on the issue of the contest in which they were now engaged. It was a very strong acknowledgment of their independence of Great Britain, and was well made an occasion of jubilee and mutual congratulation throughout the country. The congress, ever watchful to catch the favoring breeze, regarded it as a fitting stand-point from which to take an observation, and accordingly, on the sixth day of May, appointed Mr. R. H. Lee, Mr. Chase, and Mr. G. Morris, a committee "to prepare an address to the inhabitants of these states upon the present situation of public affairs."

This committee reported a draft on the eighth day of May, which was adopted by the congress, after sundry amendments. Containing, as it does, a true and full statement of the posture of affairs at this time, it necessarily becomes a part of this work. The address as agreed to, was as follows, viz.:

"THE CONGRESS TO THE INHABITANTS OF THE UNITED STATES OF AMERICA.

"Friends and Countrymen: Three years have now passed away, since the commencement of the present war. A war without parallel in the annals of mankind. It hath displayed a spectacle the most solemn that can possibly be exhibited. On one side, we behold fraud and violence labouring in the service of despotism; on

Benefits of the alliance.

Action of the congress upon it.

Committee to prepare an address.

The war and its aspects.

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THE REVOLUTIONARY UNION OF THE COLONIES

Address of the other, virtue and fortitude supporting and establishing the rights of human nature.

gress to the inhabitants of the U. S. A. on public affairs, May, 1778. Efforts to avert the contest. "You cannot but remember how reluctantly we were dragged into this arduous contest; and how repeatedly, with the earnestness of humble entreaty, we supplicated a redress of grievances from him who ought to have been the father of his people. In vain did we implore his protection. In vain appeal to the justice, the generosity, of Englishmen; of men, who had been the guardians, the assertors and vindicators of liberty through a succession of ages; men, who, with their swords, had established the firm barrier of freedom, and cemented it with the blood of heroes. Every effort was vain. For even whilst we were prostrate at the foot of the throne, that fatal blow was struck, which hath separated us forever. Thus spurned, contemned, and insulted; thus driven by our enemies into measures which our souls abhorred; we made a solemn appeal to the tribunal of unerring wisdom and justice, to that Almighty Ruler of Princes, whose kingdom is over all.

All efforts at reconciliation fruitless.

Their condition at the commencement.

Necessity of a resort to arms.

"We were then quite defenceless. Without arms, without ammunition, without clothing, without ships, without money, without officers skilled in war; with no other reliance but the bravery of our people and the justice of our cause. We had to contend with a nation great in arts and in arms, whose fleets covered the ocean, whose banners had waved in triumph through every quarter of the globe. However unequal this contest, our weakness was still further increased by the enemies which America had nourished in her bosom. Thus exposed, on the one hand, to external force and internal divisions; on the other, to be compelled to drink the bitter cup of slavery, and to go sorrowing all our lives long; in this sad alternative, we chose the former. To this alternative we were reduced by men, who, had they been animated by one spark of generosity, would have disdained to take such mean advantage of our situation; or, had they paid

the least regard to the rules of justice, would have considered with abhorrence a proposition to injure those who had faithfully fought their battles, and industriously contributed to rear the edifice of their glory.

Address
of the con-
gress to the
inhabitants
of the
U. S. A. on
public af-
fairs, May,
1778.

“But, however great the injustice of our foes in commencing this war, it is by no means equal to that cruelty with which they have conducted it. The course of their armies is marked by rapine and devastation. Thousands, without distinction of age or sex, have been driven from their peaceful abodes, to encounter the rigors of inclement seasons; and the face of Heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men no longer able to resist; and those who escaped from the first act of carnage have been exposed, by cold, hunger, and nakedness, to wear out a miserable existence in the tedious hours of confinement, or to become the destroyers of their countrymen, of their friends; perhaps, dreadful idea! of their parents or children. Nor was this the outrageous barbarity of an individual, but a system of deliberate malice, stamped with the concurrence of the British legislature, and sanctioned with all the formalities of law. Nay, determined to dissolve the closest bonds of society, they have stimulated servants to slay their masters in the peaceful hour of domestic security. And, as if all this were insufficient to slake their thirst for blood, the blood of brothers, of unoffending brothers, they have excited the Indians against us; and a general, who calls himself a Christian, a follower of the merciful Jesus, hath dared to proclaim to all the world his intention of letting loose against us whole hosts of savages; whose rule of warfare is promiscuous carnage; who rejoice to murder the infant smiling in its mother’s arms; to inflict on their prisoners the most excruciating torments; and exhibit scenes of horror from which nature recoils.

Conduct
of the war
by Great
Britain.

Address of the congress to the inhabitants of the U. S. A. on public affairs, May, 1778. "Were it possible, they would have added to this terrible system, for they have offered the inhabitants of these states to be exported by their merchants to the sickly, baneful climes of India, there to perish ; an offer not accepted of, merely from the impracticability of carrying it into execution.

Cruel treatment of prisoners by Great Britain. Christian treatment of prisoners by the colonies. "Notwithstanding these great provocations, we have treated such of them as fell into our hands with tenderness, and studiously endeavored to alleviate the afflictions of their captivity. This conduct we have pursued so far as to be by them stigmatized with cowardice, and by our friends with folly. But our dependence was not upon man. It was upon Him who hath commanded us to love our enemies, and to render good for evil. And what can be more wonderful than the manner of our deliverances ? How often have we been reduced to distress, and yet been raised up ? When the means to prosecute the war have been wanting to us, have not our foes themselves been rendered instrumental in providing them ? This hath been done in such a variety of instances, so peculiarly marked almost by the direct interposition of Providence, that not to feel and acknowledge his protection would be the height of impious ingratitude.

Their reliance upon and interpositions of Providence. Certainty of success. "At length that God of battles, in whom was our trust, hath conducted us through the paths of danger and distress, to the thresholds of security. It hath now become morally certain, that, if we have courage to persevere, we shall establish our liberties and independence. The haughty prince, who spurned us from his feet with contumely and disdain, and the parliament which proscribed us, now descend to offer terms of accommodation. Whilst in the full career of victory, they pulled off the mask and avowed their intended despotism. But having lavished in vain the blood and treasure of their subjects in pursuit of this execrable purpose, they now endeavor to ensnare us with the insidious offers of peace. They would seduce

you into a dependence, which necessarily, inevitably, leads to the most humiliating slavery.

“And do they believe that you will accept these fatal terms? Because you have suffered the distresses of war, do they suppose that you will basely lick the dust before the feet of your destroyers? Can there be an American so lost to the feelings which adorn human nature, to the generous pride, the elevation, the dignity of freedom? Is there a man who would not abhor a dependence upon those who have deluged his country in the blood of its inhabitants? We cannot suppose this; neither is it possible that they themselves can expect to make many converts. What then is their intention? Is it not to lull you with the fallacious hopes of peace, until they can assemble new armies to prosecute their nefarious designs? If this is not the case, why do they strain every nerve to levy men throughout their islands? Why do they meanly court every little tyrant of Europe to sell them his unhappy slaves? Why do they continue to embitter the minds of the savages against you? Surely this is not the way to conciliate the affections of America.

“Be not, therefore, deceived. You have still to expect one severe conflict. Your foreign alliances, though they secure your independence, cannot secure your country from desolation, your habitations from plunder, your wives from insult or violation, nor your children from butchery. Foiled in their principal design, you must expect to feel the rage of disappointed ambition. Arise, then! to your tents! and gird you for battle. It is time to turn the headlong current of vengeance upon the head of the destroyer. They have filled up the measure of their abominations, and like ripe fruit must soon drop from the tree. Although much is done, yet much remains to do. Expect not peace whilst any corner of America is in possession of your foes. You must drive them away from this

Address
of the con-
gress to the
inhabitants
of the
U. S. A. on
public af-
fairs, May,
1778.

Offers of
concilia-
tion by
Great
Britain.

Their de-
signs insid-
ious and
mischiev-
ous.

The trial
to come.

No peace
till their
foe is exter-
minated.

Address of the congress to the inhabitants of the U. S. A. on public affairs, May, 1778. land of promise, a land flowing indeed with milk and honey. Your brethren at the extremities of the continent already implore your friendship and protection. It is your duty to grant their request. They hunger and thirst after liberty; be it yours to dispense to them the heavenly gift. And what is there now to prevent it?

Condition and strength of the colonies. "After the unremitted efforts of our enemies, we are stronger than before. Nor can the wicked emissaries, who so assiduously labour to promote their cause, point out any one reason to suppose that we shall not receive daily accessions of strength. They tell you, it is true, that your money is of no value; and your debts so enormous, they can never be paid. But we tell you, that if Britain prosecutes the war another campaign, that single campaign will cost her more than we have hitherto expended. And yet these men would prevail upon you to take up that immense load, and for it to sacrifice your dearest rights.

Weakness of Great Britain. "For, surely, there is no man so absurd as to suppose that the least shadow of liberty can be preserved in a dependent connection with Great Britain. From the nature of the thing it is evident, that the only security you could obtain, would be the justice and moderation of a parliament who have sold the rights of their own constituents. And this slender security is still further weakened by the consideration that it was pledged to rebels, (as they unjustly call the good people of these states,) with whom they think they are not bound to keep faith by any law whatsoever. Thus would you be cast bound among men whose minds, by your virtuous resistance, have been sharpened to the keenest edge of revenge. Thus would your children and your children's children be by you forced to a participation of all their debts, their wars, their luxuries, and their crimes. And this mad, this impious system, they would lead you to adopt, because of the derangement of your finances.

Dependence on Great Britain, what.

“It becomes you deeply to reflect on this subject. Address
 Is there a country on earth, which hath such resources of the con-
 for the payment of her debts as America? Such an gress to
 extensive territory? So fertile, so blessed in its cli- the inhab-
 mate and productions? Surely there is none. Nei- itants of
 ther is there any to which the wise Europeans will the U. S. A.
 sooner confide their property. What then are the rea- on pub-
 sons that your money hath depreciated? Because no lic affairs,
 taxes have been imposed to carry on the war. Because May, 1778.
 your commerce hath been interrupted by your enemy’s Resources
 fleets. Because their armies have ravaged and deso- of Ameri-
 lated a part of your country. Because their agents ca.
 have villainously counterfeited your bills. Because Causes of
 extortioners among you, influenced with the lust of present
 gain, have added to the price of every article of life. embarrass-
 And because weak men have been artfully led to believe ment.
 that it is of no value.

“How is this dangerous disease to be remedied? The
 Let those among you, who have leisure and opportunity, remedy.
 collect the monies which individuals in your neighbor-
 hood are desirous of placing in the public funds. Let
 the several legislatures sink their respective emissions;
 that so, there being but one kind of bills, there may be
 less danger of counterfeits. Refrain a little while from
 purchasing those things which are not absolutely neces-
 sary, that so those who have engrossed commodities
 may suffer (as they deservedly will), the loss of their
 ill-gotten hoards, by reason of the commerce with for-
 eign nations, which the fleets will protect. Above all,
 bring forward your armies into the field. Trust not to
 appearances of peace or safety. Be assured that un-
 less you persevere, you will be exposed to every species
 of barbarity. But if you exert the means of defence
 which God and nature have given you, the time will
 soon arrive, when every man shall sit under his own
 vine, and under his own fig-tree, and there shall be
 none to make him afraid.

The recom-
 pense pre-
 dicted.

“The sweets of free commerce with every part of the

Address of the congress to the inhabitants of the U. S. A. on public affairs, May, 1778. earth, will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those whose interest and whose declared policy it was to check your growth. Your interests will be fostered and nourished by governments that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favor. It is to obtain these things that we call for your strenuous, unremitted, exertions.

Reliance upon Providence necessary. "Yet do not believe that you have been or can be saved merely by your own strength. No! it is by the assistance of Heaven, and this you must assiduously cultivate by acts which Heaven approves. Thus shall the power and the happiness of these *sovereign, free, and independent states*, founded on the virtue of their citizens, increase, extend, and endure, until the Almighty shall blot out all the empires of the earth."*

* Journals of congress. Immediately after the adoption of this address the congress "*Resolved*, that it be recommended to ministers of the gospel, of all denominations, to read, or cause to be read, immediately after divine service, the above address to the inhabitants of the United States of America, in their respective churches and chapels, and other places of religious worship."

Concurrent proceedings in parliament, by ministry. Hitherto, I have not deemed it important to refer to the proceedings of parliament after the colonies took up arms in their defence, because, whatever their character, they had no essential influence upon the complexion of our governmental history. So, also, whatever plans of conciliation may have been devised by the ministry of Great Britain during the revolutionary period, are alike unnecessary to my purpose in this work. Various methods of accommodation were from time to time suggested, but all of them were of the same character in the main with those which provoked the severance, embittered their hostility, and alienated the peo-

ple of America forever from their allegiance to the parent state. And what could not conciliate when they were disposed to conciliation, certainly could not win them back after they had once resolved upon independence. It sufficeth us to know, that the position now taken by the United Colonies was one which precluded all possibility of amity under any terms of dependency upon the crown. This is conclusively evident by the action of the congress on the arrival of commissioners deputed by the king to carry into effect Lord North's bills for conciliation, then recently adopted in parliament.

Arrival of
peace com-
missioners
from Eng-
land, 1778.

The king's ship-of-war, the *Trident*, of sixty-four guns, arrived with these commissioners, in Delaware river, on the fourth of June, soon after the adoption of the foregoing address. They were, the Earl of Carlisle, Governor George Johnstone and William Eden; to whom were joined Lord Howe and Sir William Howe; who, however, did not act, the former being engaged with the British fleet, and the latter having returned to England before the commission arrived. The place of General Howe in the commission was supplied by General Sir H. Clinton. Dr. Adam Ferguson, professor of moral philosophy in the University of Edinburgh, was secretary to the commission.

Names of
the com-
missioners.

Upon their arrival in Philadelphia, General Clinton wrote to Gen. Washington informing him of the fact, and requesting a passport for Dr. Ferguson to proceed to congress, with dispatches. Gen. Washington refused to grant the request, saying, in his reply to Gen. Clinton; "I do not conceive myself at liberty to grant the passport you request for Dr. Ferguson, without being previously instructed by congress on the subject. I shall dispatch a copy of your letter to them, and will take the earliest opportunity of communicating their determination."*

They apply
to Wash-
ington for
a passport.
Washington's
reply,
9th June.

* Sparks'
Writings
of Wash-
ington,
Vol. V.

The letter and papers received from Sir Henry Clinton, together with a copy of his reply, were forwarded

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The peace commissioners and congress, June, 1778. by Gen. Washington to the president of congress, and were laid before that body on the eleventh day of June. After being read, they were referred to a select committee to report thereon, when the further consideration of the subject was postponed.

They send their papers to congress. Meanwhile, the commissioners, without waiting to hear further from General Washington, forwarded their papers to the congress; and on Saturday, the thirteenth, while congress were debating upon the report of the committee to whom the papers received from Washington had been referred, an express arrived with a private letter of the eleventh, from Washington, to the president of congress; and also a packet in which was enclosed, together with other papers to which we may hereafter refer more particularly, a letter signed, "Carlisle, William Eden, George Johnstone," dated Philadelphia, June the 9th, 1778, and directed "To His Excellency Henry Laurens, the President, and others, the members of congress."

Letter of the commissioners to congress. This letter was read till they came to the words, "insidious interposition of a power, which has, from the first settlement of the colonies, been actuated with enmity to us both; and notwithstanding the pretended date or present form of the French offers"—here the reading was interrupted; a motion was made not to proceed further, because of the offensive language against his most christian majesty. During the debate upon this motion, the further consideration of the subject was postponed, and the congress adjourned till ten o'clock on Monday, then next. The matter continued to receive the consideration of the congress, from day to day, till Wednesday, June seventeenth, when the draft of a letter reported by a committee appointed thereto, to be forwarded by the president of congress, "in answer to the letters and papers from the Earl of Carlisle, &c., commissioners of the king of Great Britain," was unanimously adopted, as follows, viz.:

Action of the congress.

"I have received the letter from your excellencies

of the 9th inst, with the enclosures, and laid them before congress. Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his most christian majesty, the good and great ally of these states; or to consider propositions so derogatory to the honor of an independent nation.

Reply of
the con-
gress to
the peace
commis-
sioners
of the
king, June
17, 1778.

“The acts of the British parliament, the commission from your sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great Britain, and are founded on the idea of dependence, which is utterly inadmissible.

The idea
of depend-
ence on
Great Brit-
ain repudi-
ated.

“I am further directed to inform your excellencies, that congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will therefore be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be *an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies.*

Inclination
to peace.

Terms of
peace.

“I have the honor to be

your excellencies' most obedient

and humble servant,

HENRY LAURENS, *President.*”

“By order of the congress.”

The existence of a treaty of alliance, etc., between the United Colonies and France, though it was feared, was not known in Great Britain when the king's commissioners embarked for America; and they evidently had not been advised of it since their arrival, otherwise they would not have hazarded the accomplishment of their mission, by so exceptionable an allusion to his christian majesty. They nevertheless soon became more forcibly aware of the relations of amity consum-

The alli-
ance with
France not
known in
England.

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Arrival of
the French
fleet in Del-
aware Bay,
July, 1778.

mated between the two countries, when, on the eleventh of July—probably under the provisions of “the act separate and secret”—his excellency Count d’Estaing arrived in Delaware Bay in the Languedoc, having under his command a powerful fleet of twelve sail of line-of-battle-ships, and four frigates, fully officered and manned, “to co-operate with the American forces in the reduction of the British army and navy.”

The importance and the effect of this alliance upon the designs of Great Britain and the destinies of America are well known, and have been elsewhere recorded by abler pens than mine, in becoming characters, and will be the subject of more particular remark hereafter. Having digressed thus much, for the sake of future reference, I return again to my own peculiar work.

The theory
of govern-
ment of the
United
Colonies.

In analyzing the theory of government under which the several colonies in America became independent states, derived to themselves a national existence, and were permanently and indissolubly united in one great republican confederacy under the present constitution, it is important here to mark the development of those elements of political relationship which originated and fixed the federative supremacy, while they secured to the states in severalty the enjoyment of their own peculiar and distinctive forms of government, administration, jurisdiction, and independence.

The colo-
nial union
under the
martial
manifesto.

The *League of Union* under the martial manifesto, by which the colonies combined to resist the oppressions of their parent state, needed a head wherein to concentrate its powers, and by which its operations should be directed and controlled. This necessity originated the congress. When that congress suppressed “the exercise of all authority under the crown in America,” and assumed to itself the prerogatives of sovereignty by the highest exercise of supreme power, that of declaring war, it placed each of the colonies under the necessity of choosing between one of only two alternatives, viz.,

subjection to its supremacy, or dependency upon Great Britain. To refuse either was to choose the other.

The assumption of independence was a declaration, not an achievement; a declaration in confederacy, not in severalty. Hence there was no such thing as sovereignty in any colony by itself. Indeed the idea of a several sovereignty and independence had no existence or recognition either inside or outside of the first federative league. The true theory of state rights, therefore, is based not upon any original or inherent sovereignty in the colonies, or states, as severalties; but on the compact of the confederation, from which alone, *as states*, they derived their essential origin, independence, and protection.

This is evident not only from the date and the form of the Declaration of Independence; but also from the time and the manner in which the Articles of Confederation were framed and became the paramount law of the *federative union*. To illustrate this, it becomes necessary to show, not only that power was conferred by the several colonies upon their delegates in congress to ratify those articles; but also the precise powers conferred, and the precise language used in conveying those powers. Hence the credentials of power in the delegates, and their action under them, become an important and interesting part of our record; and hence I introduce them in full.

NEW HAMPSHIRE.

"In the House of Representatives, March 4, 1778. By New

"The house took into consideration the articles of confederation and perpetual union between the thirteen United States of America, as agreed to by the honorable congress of said states, and came to the following resolution thereon, viz.:

"RESOLVED, That we do agree to said articles of confederation, perpetual union, &c., and do, for ourselves and constituents, engage that the same shall be invio-

Colonial
and state
sover-
eignty.

Basis of
state
rights.

The ar-
ticles of
confedera-
tion,
1778-81.

Powers of
the dele-
gates to
ratify the
same.

By New
Hamp-
shire.

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The articles of confederation, 1778-81. Powers of ratification.

lably observed by this state; and the delegates of this state, for the time being, at the congress aforesaid, are hereby empowered and instructed to ratify the same in behalf of this state.

“Sent up for concurrence.

JOHN DUDLEY, *Speaker, pro tem.*

“In Council, the same day, read and concurred.

E. THOMPSON, *Secretary.*

“Copy, Attest. MESECH WEARE, *President.*”

MASSACHUSETTS BAY.

“*Council Chamber, Boston, March 10, 1778.*

By Massachusetts Bay.

“Gentlemen: The General Court of the state of Massachusetts Bay, having attentively considered the articles of confederation and perpetual union between the United States of America, recommended to our attention by the honorable congress, do approve of them in general, as well calculated to secure the freedom, sovereignty, and independence of the United States.

“Perhaps no plan could have been proposed, better adapted to the circumstances of all. We therefore, the council and house of representatives of this state, in general court assembled, do, in the name and behalf of the good people of this state, instruct you, their delegates, to subscribe said articles of confederation and perpetual union, as they were recommended by con-

See p. 687. gress, unless the following alterations, or such as may be proposed by the other states, can be received, and adopted without endangering the union proposed.

“In the name and behalf of the general assembly.

JEREMIAH POWELL, *President.*

“To the delegates of the state of
Massachusetts Bay, in Congress.”

RHODE ISLAND AND PROVIDENCE PLANTATIONS.

By Rhode Island and Providence Plantations.

“*At the General Assembly* of the governor and company of the state of Rhode Island and Providence Plantations; begun and holden by adjournment at East

Greenwich, within and for the state aforesaid, on the second Monday in February, in the year of our Lord one thousand seven hundred and seventy-eight.

The articles of confederation, 1778-81. Powers of ratification.

“This Assembly having taken into consideration the articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia; transmitted by congress to this state, and having had them repeatedly read; and having maturely weighed and most seriously deliberated upon them, as their importance to this and the other states, and to posterity, deserves; and considering also the pressing necessity of completing the union, as a measure essential to the preservation of the independence of the said states, do vote and resolve, and it is *voted and resolved*, that the honorable Stephen Hopkins, Esq., William Ellery, Esquire, and Henry Marchant, Esquire, the delegates to represent this state in congress, or any one of them, be and they are hereby fully authorized and impowered, on the part and behalf of this state, to accede to and sign the said articles of confederation and perpetual union, in such solemn form and manner as congress shall think best adapted to a transaction so important to the present and future generations; provided that the same be acceded to by eight of the other states.

By Rhode Island and Providence Plantations, Feb. 18th, 1778. See page 688.

“And in case any alterations in, or additions to, the said articles of confederation and perpetual union, shall be made by nine of the said states in congress assembled, that the said delegates, or *any one* of them be, and they are hereby, authorized and impowered, in like manner, to accede to and sign the said articles of confederation and perpetual union, with the alterations and additions that shall be so made.

“*It is further voted and resolved*, that this assembly will, and do hereby, in behalf of the said state of Rhode Island and Providence Plantations, in the most solemn

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manner, pledge the faith of the said state, to hold and consider the acts of the said delegates, or any one, in so acceding to and signing the said articles of confederation and perpetual union, as valid and binding on the said state in all future time: *And it is further voted and resolved*, that a fair copy of this act be made and authenticated under the public seal of this state, with the signature of his excellency, the governor, and be transmitted to the delegates; and that the same shall be sufficient warrant and authority to the said delegates, or any one of them, for the purposes aforesaid.

"A true copy duly examined.

HENRY WARD, *Secretary*.

Authenticated by the
Governor's Cert. and Seal of State."

CONNECTICUT.

By Connecticut, Feb., 12th, 1778.

"*At a General Assembly* of the governor and company of the state of Connecticut, holden at Hartford, by adjournment, on the twelfth day of February, 1778:

"The articles of confederation and perpetual union, proposed by congress to be entered into between the thirteen United States of America, being laid before this assembly by his excellency, the Governor, were read and maturely considered; whereupon,

"*Resolved*, That the delegates of this state, who shall be present in congress, be, and they are hereby, fully authorized and impowered, in behalf of this state, to agree to and ratify the said articles of confederation, with such amendments, if any be, as by them, in conjunction with the delegates of the other states in congress, shall be thought proper.

"A true copy of record, examined by

GEORGE WYLLYS, *Secretary*."

NEW YORK.

By New York, Feb., 16th, 1778.

"The People of the state of New York, one of the United States of America, by the Grace of God free

and independent, to their brethren of the other of the said United States, in congress assembled, and to all others who shall see these our letters patent, send greeting:

The articles of confederation, 1778-81. Powers of ratification.

“*Know ye*, that among the acts of our senate and assembly of our said state, we have inspected a certain act of the said senate and assembly, the tenor whereof is as follows, to wit:

“*An act of accession to* and approbation of certain proposed articles of confederation and perpetual union between the United States of America, and to authorize the delegates of the state of New York to ratify the same on the part and behalf of this state, in the congress of the said United States.

“WHEREAS the freedom, sovereignty, and independence of the said states; which, with a magnanimity, fortitude, constancy, and love of liberty, hitherto unparalleled, they have asserted, and maintained against their cruel and unrelenting enemies, the king and parliament of the realm of Great Britain; will, for their lasting and unshaken security, in a great measure depend, under God, on a wise, well-concerted, intimate and equal confederation of the said United States: AND WHEREAS, the honorable the congress of the said United States, have transmitted for the consideration of the legislature of this state, and for their ratification in case they shall approve of the same, the following articles of confederation, to wit: (*Here the articles are recited verbatim.*)

By New York, Feb. 16th, 1778. See page 689.

“AND WHEREAS the Senate and Assembly of this state of New York, in legislature convened, have separately taken the said several articles of confederation into their respective, most deliberate, and mature consideration, and by their several and respective resolutions, deliberately made and entered into for the purpose, have fully and entirely approved the same: *In order, therefore*, that such approval may be published and made known to the whole world, with all the solemn-

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cles of con-
federation,
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Powers of
ratifica-
tion.

ties of law, and that all the subjects of this state, and others inhabiting and residing therein from time to time, and at all times thereafter, as long as the said confederation shall subsist and endure, may be bound by and held to the due observance of the said articles of confederation, as a law of this state, if the same shall be duly ratified by all the said United States in congress assembled.

By New
York, Feb.
16th, 1778.

"Be it enacted and declared by the people of the state of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that the said several above recited articles of confederation, and all and singular the clauses, matters and things in the same contained, be, and the same are hereby fully accepted, received, and approved, of, for and in behalf of the people of this state. *And to the end* that the same may, with all due form and solemnity, be ratified and confirmed by this state in congress,

Enacting
clause.

"Be it further enacted by the authority aforesaid, that the delegates of this state, in the said congress of the United States of America, or any two of the said delegates, shall be and hereby are, fully authorized, impowered and required, wholly, entirely and absolutely, for and in behalf of the people of this state, and in such manner and under such formalities as shall be determined in congress, to ratify and confirm all and every of the said above recited articles of confederation, and all and singular the clauses, matters and things in the same contained; and that an exemplification of this act, tested by his excellency the governor or the lieutenant-governor, or president of the senate of the state for the time being, administering the government, and authenticated with the great seal of this state, shall be full and conclusive evidence of this act.

Proviso.

"Provided always, that nothing in this act or the said above recited articles of confederation contained, nor any act, matter, or thing, to be done and transacted by the delegates of this state in congress, in and concern-

ing the premises or any part thereof, shall bind or oblige, or be deemed, construed or esteemed to bind or oblige the governor, legislature, people, subjects, inhabitants, or residents, of this state, until the said above recited articles shall have been duly ratified and confirmed by, or in behalf of, *all the said United States* in congress assembled; anything herein, or in the said above recited articles of confederation contained to the contrary thereof in any wise notwithstanding.”

The articles of confederation, 1778-81. Powers of ratification. Not to bind unless ratified by all.

“At the bottom of which act we find the following certificates, to wit: ‘IN SENATE, Thursday, January 29th, 1778. This bill having been read the third time, *Resolved* that the bill do pass. By order of the senate, *Pierre Van Courtlandt*, president.—In assembly, Tuesday, February 3d, 1778. This bill having been read three times, *Resolved*, that the bill do pass. By order of the assembly, *Walter Livingston*, speaker.’

By New York, Feb. 16th, 1778.

“And on the back of said bill we find the following endorsement in writing, to wit: ‘In the council for revising all bills about to be passed into laws by the legislature of the state of New York, on Friday, the 6th day of February, 1778, *Resolved*, that it does not appear improper to this council that the bill entitled ‘An act of accession to and approbation of certain proposed articles of confederation and perpetual union between the United States, should become a law of this state. *George Clinton*.’”

Act of the council of revision.

“*In testimony whereof*, we the said people of the state of New York have caused the said act of our said senate and assembly to be exemplified by these presents, and our great seal of our said state to be hereunto appended. Witness our trusty and well beloved George Clinton, Esq., our governor of our said state, general and commander-in-chief of all the militia, and admiral of our navy of the same, the sixteenth day of February, in the second year of our independence and

Witness.

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES

The ar-
ticles of
confedera-
tion,
1778-81.
Powers of
ratifica-
tion.

sovereignty, and in the year of our Lord one thousand seven hundred and seventy-eight.

GEORGE CLINTON.

By his excellency's command,

RICHARD HATFIELD, *Secretary.*"

 PENNSYLVANIA.

By Penn-
sylvania,
March
5, 1778.

"*The Representatives of the freemen* of the commonwealth of Pennsylvania, in general assembly met, to the honorable Benjamin Franklin, Doctor of Laws; Robert Morris, Esquire; Daniel Roberdeau, Esquire; Jonathan B. Smith, Esq.; James Smith, Esquire, of York Town; William Clingan, Esquire; Joseph Read, Esquire; delegates for the said commonwealth in the congress of the United States of America, send greeting:

Preamble.

"*Know ye*, that we the said representatives, having taken into our most serious and weighty consideration and deliberation, the articles of confederation between the states of (naming them) lately transmitted to us by the honorable Henry Laurens, Esquire, president of the said congress, do by this present instrument, signed by our speaker, and sealed with the seal of the laws of this commonwealth, accede to, ratify, confirm, and agree to the said articles; which said articles are as follows to wit: (Here the articles are recited verbatim.) "*And we*, the said representatives, do hereby authorize, empower, require and enjoin you, the said Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan B. Smith, James Smith, William Clingan, and Joseph Read, or any two of you, in the name of the said commonwealth of Pennsylvania, to accede to, ratify, confirm, and agree to the said articles of confederation. *In testimony whereof* we have caused the seal of the laws of Pennsylvania to be hereunto affixed, in general assembly at Lancaster, the fifth day of

March, in the year of our Lord one thousand seven hundred and seventy-eight.

(L. S.)

JOHN BAYARD, *Speaker.*"

Articles of confederation,
1778-81.
Powers of ratification.

VIRGINIA.

"In General Assembly, December 15, 1777.

"RESOLVED, *nemine contradicente*, that a speedy ratification of the articles of confederation between the United States of America, will confound the devices of their foreign, and frustrate the machinations of their domestic, enemies; encourage their firm friends, and fix the wavering; constitute much to the support of their public credit and the restoration of the value of their paper money; produce unanimity in their councils at home, and add weight to their negotiations abroad; and completing the independence of their country, establish the best foundation of its prosperity.

By Virginia, Dec.
15th, 1777.

"RESOLVED, *nemine contradicente*, that the articles of confederation and perpetual union, proposed by congress the 7th day of November last, between the states of New Hampshire, &c., (naming them)—and referred for approbation to the consideration of the several legislatures of the said states, be approved and ratified on the part of this commonwealth, and that our delegates in congress be accordingly authorized and instructed to ratify the same, in the name and on the behalf of this commonwealth, and that they attend for that purpose on or before the tenth day of March next.

ARCHIBALD CARY, *Speaker of the senate.*

G. WYTHE, *Speaker of the house of delegates.*"

NORTH CAROLINA.

"State of North Carolina:

In Senate, 25th of April, 1778.

"To his excellency, Richard Caswell, Esquire, Captain-General, Governor, and Commander-in-Chief, &c., &c., &c.:

By North Carolina,
April 25th,
1778.

The articles of confederation, 1778-81. Powers of ratification.

"Sir: The two houses of the general assembly have taken into consideration the confederacy proposed to the United States by the continental congress, and have unanimously acceded thereto; and request your excellency will be pleased to inform the president of the Continental Congress thereof by the earliest opportunity.

WHITMILL HILL, S. S.

JOHN WILLIAMS, S. C.

"By order, J. SITGREAVES, C. S."

SOUTH CAROLINA.

"*In General Assembly, the 4th day of Feb., 1778.*

By South Carolina, Feb. 4th, 1778.

"RESOLVED, *Nemine contradicente*, that the delegates of this state in the continental congress, or any three of them, be and they are hereby authorized, on the part of this state, to agree to and ratify articles of confederation between the United States of America.

"ORDERED, That the foregoing resolution be sent to the honorable the legislative council for their concurrence, and to his excellency the president for his assent.

By order of the house,

THOMAS BEE, *Speaker*."

"*In the Legislative Council, the 5th day of February, 1778: Read the foregoing resolution of the General Assembly.*

"RESOLVED, That this house do concur with the general assembly in the said resolution.

"ORDERED, That it be sent to his excellency the president for his assent.

"Assented to, February 5th, 1778.

J. RUTLEDGE, *President*.

"By order of the house,

HUGH RUTLEDGE, *Speaker*."

GEORGIA.

By Georgia.

"*House of Assembly, Thursday, Feb 26, 1778.*

"The house resolved itself into a committee of the

PART IV.

UNDER THE DECLARATION OF INDEPENDENCE.

whole house, to take into consideration the articles of confederation and perpetual union, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Whitefield from the committee of the whole reported, they had taken the said articles into consideration, and gone through the same, and made several amendments thereto, which were read and agreed to.

“RESOLVED, That the delegates for this state be authorized and required to lay before the general congress of the United States the several alterations proposed and agreed upon by this house this day in the articles of confederation, and that they do use their exertions to have such alterations agreed to and confirmed in congress.

“RESOLVED, That in case all, or none, of such alterations shall be agreed to and confirmed in congress, that then and notwithstanding, they be empowered and required, in behalf of this state, to sign, ratify, and confirm the several articles of confederation recommended to the respective legislatures of the United States by congress, or any other plan of a general confederation which shall be agreed upon by nine of the United States. Extract from the Minutes.

GEORGE CUTHBERT, *Clerk.*”

Before we proceed farther with the history of the ratification of the articles of confederation, it is important to observe, that it was not *a union* of the colonies or states which was now proposed by the congress, or acted upon by the people through their several legislatures. Nor was the appeal made to them to become members of a *Federal League*. That they were already united was conceded in all these credentials; and their federal dependencies were fixed by their union. They had already submitted to the supremacy of the congress as the general governing power, and were now acting under a recognition of its authority, without its having been invested with any of the attributes of sovereignty.

The articles of confederation, 1778-81. Powers of ratification.

By Georgia, Feb. 26, 1778.

Report of the delegates in congress.

Preliminary remarks.

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES

The articles of confederation, 1778-81.

The proposition involved therein.

Reports from the colonies called for.

Report from Maryland, June, 1778.

independently of that their colonial union. The proposition contained in the articles of confederation therefore, was, simply, a proposition *to make that union perpetual*. The compact proposed was a compact for perpetuity, and in that compact there was no proposition for a disseverance or repudiation of their dependency upon the national government. By acceding to it, they did not accede to a union of the colonies, or, as they were now called, states; but thereby they were to agree that the union already existing should be made perpetual and irrevocable. By this act they added nothing to the supremacy of the congress as a governing power which it did not already possess; and they ceded nothing over which themselves could claim, in severalty, sovereignty or supremacy. Outside of the league of union they were, every one of them, but dependencies upon the crown of Great Britain; and had never been anything else. The compact itself created and secured for each colony while in the union, a sovereignty and independence which it had not, and could not have, independently of the union. But the original compact was temporary, and was not made perpetual without objections; consequently it is important to consider what effect, if any, the objections urged had upon its terms or its construction as finally ratified.

On the twenty-second day of June, 1778, on motion, it was "RESOLVED, that the delegates of the states, beginning with New Hampshire, be called upon for the report of their constituents upon the confederation, and the powers committed to them, and that no amendments be proposed but such as came from a state."

The congress were proceeding to act under this resolution, when the delegates from Maryland asked leave to read before the house certain instructions which they had just received from their constituents, and *moved*, that the objections from that colony to the articles of confederation be immediately taken up and considered

by congress, that the delegates from that state might transmit, with all possible dispatch, the determination of congress on those objections.

This motion being resolved in the affirmative, it was then *moved* in behalf of Maryland, viz.:

"In *Article 4*, strike out the word "paupers," and after the words, "or either of them," insert "that one state shall not be burthened with the maintenance of the poor who may remove into it from any of the others in the union." The question being put, was passed in the negative, one state only answering *aye*.

Another amendment was moved in behalf of Maryland, "*Article 8*," After the words "granted to or surveyed for," insert "or which shall hereafter be granted to or surveyed for any person." The question being put, passed in the negative, 4 *ayes*, 8 *noes*.

A third amendment was then moved in behalf of Maryland.

"*Article 9*. After the words 'shall be deprived of territory for the benefit of the United States,' insert 'the United States in congress assembled shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of each of the confederated states which claim to extend to the river Mississippi, or South Sea.' After debate, the yeas and nays being called by Mr. Marchant of Rhode Island, it was decided in the negative."

The congress now proceeded to call on the delegates from the several states, pursuant to the previous resolution, when the delegates from *New Hampshire* stated, that that state had, in their general assembly, agreed to the articles of confederation as they now stand, and had empowered their delegates to ratify the same in behalf of that state.

The delegates from *Massachusetts Bay* being called on, read sundry objections transmitted to them by their constituents to the articles of confederation, and there-

The articles of confederation in congress, 1778-81.

Reports from the colonies.

Report from Maryland, June 1778.

Report from New Hampshire, June, 1778.

Report from Massachusetts Bay.

The articles of confederation in congress, 1778-81. Reports from the colonies.

upon moved in behalf of their state, "1st: that the *eighth article* be reconsidered, so far as relates to the criterion fixed on for settling the proportion of taxes to be paid by each state, that an amendment may be made so that the rule of apportionment may be varied from time to time, by congress, until experience shall have showed what rule of apportionment will be most equal and consequently most just. Motion lost, *ayes*, 2, *noes*, 8.

Report from Massachusetts Bay, June, 1778.

2nd. That the *fifth section* of the *ninth Article* be reconsidered so far as relates to the rule of apportioning the number of forces to be raised by each state on the requisition of congress. Motion lost, 3 *ayes*, 7 *noes*.

3rd. That the *sixth section* of the *ninth Article* be reconsidered so far as it makes the assent of nine states necessary to exercise the powers with which congress are thereby invested. Motion lost.

Report from Rhode Island. See p. 667.

The delegates from *Rhode Island*, being called on, produced instructions from their constituents, and therefore moved the following amendments:

"1st. In the *fifth Article*, after the word "two," insert "members, unless by sickness, death or any other unavoidable accident, but one of the members of a state can attend congress, in which case each state may be represented in congress by one member for the space of months." Motion lost, 1 *aye*, 9 *noes*.

Public domain.

"2nd. In the *eighth Article*, at the end of the second paragraph, after the words, "for the benefit of the United States," add "provided, nevertheless, that all lands within these states, the property of which before the present war was vested in the crown of Great Britain, or out of which revenues from quit-rents arise, payable to the said crown, shall be deemed, taken, and considered as the property of these United States, and be disposed of and appropriated by congress for the benefit of the whole confederacy, reserving, however, to the states, within whose limits such crown lands may be,

the entire and complete jurisdiction thereof. Motion passed in the negative, 1 *aye*, 8 *noes*.

The delegates from *Connecticut* being called on, produced instructions, and thereupon moved the following amendments: "1st. In the *eighth Article*, after the words "in proportion to," strike out what follows to the end of the sentence, and in lieu thereof insert "the number of inhabitants in each state." Motion passed in the negative, 3 *ayes*, 9 *noes*."

The articles of confederation

in congress, 1778-81.

Reports from the colonies.

Report from Connecticut, June, 1778.

See credentials, ante, p. 678.

"2nd. In the *ninth Article*, at the end of the *fifth* paragraph, add the words following: "provided that no land-army shall be kept up by the United States in time of peace, nor any officers or pensioners kept in pay by them, who are not in actual service, except such as are, or may be, rendered unable to support themselves by wounds received in battle in the service of the said states, agreeably to the provisions already made by a resolution of congress." Motion passed in the negative, 1 *aye*, 11 *noes*."

The delegates of *New-York* being called on, produced, under the great seal of their state, an exemplification of an act of the legislature thereof, ratifying the articles of confederation as passed by congress, with a proviso that the same shall not be binding on the state until all the other states in the union ratify the same.

Report from New York, 1778.

See credentials, ante, p. 678.

The delegates from *New-Jersey* being called on, laid before congress a representation of the Legislative Council and General Assembly of their state respecting the articles of confederation, as follows:

Report from New Jersey.

"To the United States in congress assembled: The representation of the legislative council and general assembly of the state of New Jersey, sheweth; that the articles of confederation and perpetual union, between the states of New Hampshire, &c., (naming them) proposed by the honorable the congress of the said states, severally for their consideration, have been

Representation.

The arti- fully and attentively considered, on which we beg leave
cles of con- to remark, as follows :

federation
in con-
gress,
1778-81.
Reports
from the
colonies.
Report
from New
Jersey.

First. In the *fifth Article*, where, among other things, the qualifications of the delegates from the several states are described, there is no mention of any oath, test, or declaration, to be taken or made by them previous to their admission to seats in congress. It is, indeed, to be presumed the respective states will be careful that the delegates they send to assist in managing the general interests of the union, take the oaths to the government from which they derive their authority, but as the United States, collectively considered, have interests as well as each particular state, we are of opinion that some test or obligation, binding upon each delegate while he continues in the trust, to consult and

As to oath
of office.

pursue the former as well as the latter, and particularly to assent to no vote or proceeding which may violate the general confederation, is necessary. The laws and usages of all civilized nations evince the propriety of an oath on such occasions, and the more solemn and important the deposit, the more strong and explicit ought the obligation to be.

As to the
regulation
of trade.

"Second. By the *sixth* and *ninth Articles*, the regulation of trade seems to be committed to the several states within their separate jurisdictions in such a degree as may involve many difficulties and embarrassments, and be attended with injustice to some states in the union : We are of opinion that the sole and exclusive power of regulating the trade of the United States with foreign nations, ought to be clearly vested in the congress ; and that the revenue arising from all duties and customs imposed thereon ought to be appropriated to the building equipping and manning a navy, for the protection of the trade and defence of the coasts, and to such other public and general purposes as to the congress shall seem proper, and for the common benefit of the states. This principle appears to us to be just, and it may be added that a great security will by this

means be derived to the union from the establishment of a common and mutual interest.

“*Third.* It is wisely provided in the *sixth Article*, that no body of forces shall be kept up by any state in time of peace, except such number only as in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such states: We think it ought also to be provided and clearly expressed, that no body of troops be kept up by the United States in time of peace, except such number only as shall be allowed by the assent of nine states. A standing army, a military establishment, and every appendage thereof, in time of peace, is totally abhorrent from the ideas and principles of this state. In the memorable act of congress, declaring the united colonies free and independent states, it is emphatically mentioned as one of the causes of separation from Great Britain, that the sovereign thereof had kept up among us, in time of peace, standing armies without the consent of the legislatures. It is to be wished the liberties and happiness of the people may, by the confederation, be carefully and explicitly guarded in this respect.

The articles of confederation in congress, 1778–81. Reports from the colonies.

Report from New Jersey.

As to a standing army.

“*Fourth.* On the *eighth Article* we observe, that as frequent settlements of the quotas for supplies and aids to be furnished by the several states, in support of the general treasury, will be requisite, so they ought to be secured. It cannot be thought improper or unnecessary to have them struck once at least in every five years, and oftener if circumstances will allow. The quantity or value of real property in some states may increase much more rapidly than in others, and therefore the quota which is at one time just, will at another be disproportionate.

As to the settlement of quotas.

“*Fifth.* The boundaries and limits of each state ought to be fully and finally fixed and made known. This we apprehend would be attended with very salutary effects by preventing jealousies as well as contro-

As to the boundaries of states.

The articles of confederation in congress, 1778-81. Reports from the colonies.

Report from New Jersey.

versies, and promoting harmony and confidence among the states. If the circumstances of the times would not admit of this, previous to the proposal of the confederation to the several states, the establishment of the principles upon which, and the rule and mode by which, the determination might be conducted, at a time more convenient and favorable for dispatching the same at an early period, not exceeding five years from the final ratification of the confederation, would be satisfactory.

"Sixth. The *ninth Article* provides, that no state shall be deprived of territory for the benefit of the United States; whether we are to understand, that by territory is intended any land, the property of which was heretofore vested in the crown of Great Britain: or that no mention of such land is made in the confederation, we are constrained to observe, that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States.

As to disposition of public domain.

"It was ever the confident expectation of this state, that the benefits derived from a successful contest were to be general and proportionate; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use: We are therefore greatly disappointed in finding no provision made in the confederation for empowering the congress to dispose of such property; but especially the vacant and unpatented lands, commonly called the *crown lands*, for defraying the expenses of the war, and for such other public and general purposes. The jurisdiction ought in every instance to belong to the respective states within the charter or determined limits of which such lands may be seated; but reason and justice must decide, that the property which existed in the crown of Great Britain, previous to the present revolution, ought now to belong to the congress in trust for the

use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be proportionally distributed.

The articles of confederation in congress, 1778-81.

“Shall such states as are shut out by situation from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, while others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole confederacy?”

Reports from the colonies.

“*Seventh.* The *ninth Article* also provides that the requisition for the land forces to be furnished by the several states shall be proportioned to the number of *white* inhabitants in each. In the act of Independence we find the following declaration: ‘We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness:’—of this doctrine it is not a very remote consequence, that all the inhabitants of every society, be the colour of their complexion what it may, are bound to promote the interest thereof, according to their respective abilities. They ought, therefore, to be brought into the account on this occasion. But admitting necessity or expediency to justify the refusal of liberty in certain circumstances, to persons of a particular colour, we think it unequal to reckon upon such in this case. Should it be improper, for special local reasons, to admit them in arms for the defence of the nation, yet we conceive the proportion of forces to be embodied ought to be fixed according to the whole number of inhabitants in the state, from whatever class they may be raised.

Report from New Jersey.

As to land forces.

“If in the whole number of inhabitants, in a state whose inhabitants are all whites, both those who are called into the field and those who remain to till the ground, and labor in mechanical arts and otherwise, are reckoned in the estimate for striking the proportion of

The articles of confederation in congress, 1778-81. Reports from the colonies.

forces to be furnished by that state, ought even a part of the latter description to be left out in another? As it is of indispensable necessity in every war, that a part of the inhabitants be employed for the uses of husbandry and otherwise at home, while others are called into the field, there must be the same propriety that others of a different colour, who are employed for this purpose in one state, while *whites* are employed for the same purpose in another, be reckoned in the account of the inhabitants in the present instance.

Report from New Jersey.

“*Eighth.* In order that the quota of troops to be furnished in each state, on occasion of a war, may be equitably ascertained, we are of opinion, that the inhabitants of the several states ought to be numbered as frequently as the nature of the case will admit, and once at least every five years. The disproportioned increase in the population of different states may render such provision absolutely necessary.

As to census.

Consent of nine states.

“*Ninth.* It is provided in the *ninth Article*, that the assent of nine states out of the thirteen shall be necessary to determine in sundry cases of the highest concern. If this proportion be proper and just, it ought to be kept up should the states increase in number, and a declaration thereof be made for the satisfaction of the union.

“That we think it our indispensable duty to solicit the attention of congress to these considerations and remarks, and to request that the purport and meaning of them be adopted as part of the general confederation; by which means we apprehend the mutual interests of all the states will be better secured and promoted; and that the legislature of this state will then be justified in ratifying the same.

Motion on the report.

See p. 703.

“Whereupon *it was moved*, that the several articles in the confederation, referred to in the foregoing representation, be so far re-considered as to admit the purport and meaning of the additions, alterations, and amendments, proposed in the said representation: *Passed in the negative, 3 ayes, 6 noes, 1 divided:*

The delegates from *Pennsylvania* being next called on, moved the following amendments in behalf of their state :

“ *First.* In the first paragraph of the *fifth Article*, dele the words ‘for the remainder of the year.’ Passed in the negative, 2 *ayes*, 8 *noes*, 1 *divided*. ”

“ *Second.* That such part of the *ninth Article* as respects the post office, be altered or amended, so as that congress be obliged to lay the accounts annually before the legislatures of the several states. Passed in the negative, 2 *ayes*, 9 *noes*. ”

“ *Third.* In the *fifth paragraph* of the *ninth Article*, expunge the word *white*. Passed in the negative, 3 *ayes*, 7 *noes*, 1 *divided*. ”

“ *Fourth.* In the last section of the *ninth Article*, after the word ‘delegates,’ add ‘respectively.’ Passed in the negative, 1 *aye*, 10 *noes*. ”

The delegates from *Virginia* being next called on, informed congress that they were empowered to ratify, in behalf of their state, the articles of confederation, as they now stand.

The delegates from *South Carolina* were next called on, and moved the following amendments in behalf of their state.

“ *First.* In *Article 4*, between the words ‘free inhabitants’ insert ‘white.’ Passed in the negative, 2 *ayes*, 8 *noes*, 1 *divided*. ”

“ *Second.* In the next line, after the words ‘these states,’ insert ‘those who refuse to take up arms in defence of the confederacy.’ Passed in the negative, 3 *ayes*, 8 *noes*. ”

“ *Third.* After the words, ‘the several states,’ insert ‘according to the law of such states respectively for the government of their own free white inhabitants.’ Passed in the negative, 2 *ayes*, 8 *noes*, 1 *divided*. ”

“ *Fourth.* After the words ‘of which the owner is an inhabitant,’ insert ‘except in cases of embargo.’ Passed in the negative, 2 *ayes*, 9 *noes*. ”

The articles of confederation in congress, 1778–81.

Reports from the colonies.

Report from Pennsylvania. See credentials, p. 682.

Report from Virginia. See p. 683.

Report from South Carolina, see ante. p. 684.

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES.

The articles of confederation in congress, 1778-81.

Reports from the colonies.

“*Fifth.* In the first paragraph of the *fifth Article*, strike out ‘first Monday in November,’ and insert ‘nineteenth day of April.’ Passed in the negative, 1 *aye*, 9 *noes*, 1 *divided*.

“*Sixth.* In the second paragraph of the *fifth Article*, substitute ‘three’ in the place of ‘two;’ and ‘two’ in the place of ‘three,’ and ‘four’ in the place of ‘six.’ Passed in the negative, 2 *ayes*, 9 *noes*.

“*Seventh.* In the third paragraph, for ‘committee,’ read ‘grand council.’ Passed in the negative, 1 *aye*, 9 *noes*, 1 *divided*.

Report from South Carolina.

“*Eighth.* In the first paragraph of the *sixth Article*, for ‘prince or state’ read ‘prince or foreign state,’ except the same be upon the subject of commerce, nor then so as to interfere with any treaty or alliance of the United States made, or treaty proposed, by congress.’ Passed in the negative, 2 *ayes*, 9 *noes*.

“*Ninth.* In the second paragraph of the *sixth Article*, strike out ‘by some nations of Indians,’ and after the words ‘to invade such state,’ insert ‘or upon requisition to assist a sister state actually invaded or threatened with an invasion.’ Passed in the negative, 3 *ayes*, 8 *noes*.

“*Tenth.* In the first paragraph of the *seventh Article*, strike out, ‘of or under the rank of colonel,’ and after ‘shall be appointed,’ insert ‘and commissioned.’ Passed in the negative, 2 *ayes*, 8 *noes*, 1 *divided*.

“*Eleventh.* At the end of the *seventh Article* add, ‘the troops to be raised shall be deemed the troops of that state by which they are raised. The congress, or grand council of the states, may, when they think proper, make requisition to any state for two-thirds of the troops to be raised; which requisition shall be binding upon the said states respectively; but the remaining third shall not be liable to be drawn out of the state in which they are raised, without the consent of the executive authority of the same. When any forces are raised, they shall be under the command of the

executive authority of the state in which they are so raised, unless they be joined by troops from any other state, in which case the congress, or grand council, may appoint a general officer to take the command of the whole: and until the same can be done, the command shall be in the senior officer present, who shall be amenable for his conduct to the executive authority of the state in which the troops are, and shall be liable to be suspended thereby. The expenses of the troops so to be raised shall be defrayed by the state to which they belong; but when called into service by the United States they shall be fed and paid at the expense of the United States.' Passed in the negative 2 *ayes*, 9 *noes*.

The articles of confederation in congress, 1778-81. Reports from the colonies.

"*Twelfth*. In the first line of the *eighth Article*, strike out 'charges of war and all other.' Passed in the negative, 2 *ayes*, 8 *noes*, 1 *divided*.

"*Thirteenth*. In the same *Article*, strike out 'accord ing to such mode as the United States in congress assembled, shall from time to time direct and appoint;' and instead of 'and improvements thereon shall be estimated,' read 'and improvements thereon shall by periods of years not exceeding ten, as often as may be required by congress, be generally estimated by persons to be appointed by the legislatures of the respective states to value the same upon oath.' Passed in the negative, 2 *ayes*, 9 *noes*.

Report from South Carolina.

"*Fourteenth*. In the first paragraph of *Article the ninth*, strike out 'appointing courts for the trial of piracies and felonies committed on the high seas,' and in lieu thereof insert, 'declaring what acts committed on the high seas shall be deemed piracies or felonies.' Passed in the negative, 2 *ayes*, 9 *noes*.

"*Fifteenth*. In the second paragraph of the *ninth Article*, for 'be the last resort on appeal,' read 'decide and determine;' and strike out 'all that relates to the mode of settling differences between states, and controversies concerning private right of soil.' Passed in the negative, 2 *ayes*, 9 *noes*.

The articles of confederation in congress, 1778-81.

Reports from the colonies.

"*Sixteenth*. In the fifth paragraph of the *ninth Article*, after the words, 'in any term of,' strike out 'three,' and insert 'two.' Passed in the negative, 2 ayes, 9 noes.

"*Seventeenth*. In the sixth paragraph of the *ninth Article*, for 'unless nine states,' read 'unless eleven states.' Passed in the negative, 2 ayes, 9 noes.

"*Eighteenth*. At the end of the same paragraph, strike out the words, 'in congress assembled.' Passed in the negative, 1 aye, 10 noes.

"*Nineteenth*. In the last paragraph of the *ninth Article*, after the words, 'and the yeas and nays of the delegates of each state on,' for 'any,' read 'every,' and strike out the words, 'when it is desired by any delegate.' Passed in the negative, 2 ayes, 9 noes.

"*Twentieth*. In the same sentence, strike out, 'a state or,' and also 'at his or their request,' and after the words 'and the,' insert 'respective states or the;,' and after 'shall,' insert 'upon requisition.' Passed in the negative, 1 aye, 10 noes.

"*Twenty-first*. Amend the last clause of the *thirteenth Article*, so as to read 'unless such alteration be agreed to by eleven of the United States in congress assembled, and be afterwards confirmed by the legislatures of eleven of the United States.' Passed in the negative, 3 ayes, 6 noes, 2 divided.

Report from South Carolina.

Report from

Georgia.

See p. 684, 702.

The delegate from *Georgia* being called on, informed congress that he had not yet received any instructions or orders from his constituents respecting the articles of confederation; but that his state having shown so much readiness to ratify them even in an imperfect state, and it being so much for their interest that the confederation should be ratified, he had no doubt of their agreeing to the articles as they now stand.

Delaware and North Carolina. See p. 688, 702, 706.

Delaware and *North Carolina*, not having delegates present in congress no report was received from them, except what is contained in Governor Caswell's letter informing the president that the legislature of North

Carolina had agreed to the articles of confederation: The articles of confederation in congress, 1778-81.
Whereupon it was

“ORDERED That a committee of three be appointed to prepare the form of a ratification of the articles of confederation.

Mr. R. H. Lee, Mr. G. Morris, and Mr. Dana, Committee on the form of ratification.
were appointed on this committee, and on the twenty-sixth day of June, reported a draft form, which was adopted by congress, as follows, viz.:

“TO ALL to whom these presents shall come: *We, the delegates of the states affixed to our names, send greeting:*

“Whereas the delegates of the United States of America, in congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain articles of confederation and perpetual union between the states of New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; Delaware; Maryland; Virginia; North Carolina; South Carolina; and Georgia; in the words following, viz.: (Articles inserted at length.*) Which articles were by congress proposed to the legislatures of all the United States, to be considered; and if approved of by them, they were advised to authorize their delegates to ratify the same in the congress of the United States: *And whereas* it hath pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify, the said articles of confederation and perpetual union, KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained.

Form of ratification reported by the committee and adopted by congress, June, 1778.

* See Articles p. 630.

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Form of ratification adopted by congress, June, 1778.

"And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions, which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual."

*"In witness whereof we have hereunto set our hands this — day of —, in the year of our Lord one thousand seven hundred and seventy-eight, and in the * * * year of the Independence of the United States of America."*

Ordered to be engrossed.

Immediately after the adoption thereof, it was
"ORDERED, That a copy of the articles of confederation, with the above ratification, be engrossed on parchment, in order that the same may be signed before congress adjourn from this place."

The engrossed copy was laid before congress for ratification on the ninth day of July following, when the following resolution was adopted:

Resolution on the engrossment.

"RESOLVED, That in the ratification of the articles of confederation, to be signed by the delegates, the following words be omitted, to wit: 'which articles were by congress proposed to the legislatures of the United States to be considered; and, if approved by them, they are advised to authorize their delegates to ratify the same in the congress of the United States.'"

Omission.

The ratification, engrossed on a roll of parchment, was then examined; and the blanks in the third line from the bottom being filled up, at the table, with the words "ninth" and "July"; and the blank in the last line with the word "third;" the same was signed on the part and behalf of their respective states, agreeably to the powers vested in them, by the delegates from New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina.

Signing of the articles and ratification, by eight of the colonies, July 9th.

The delegates from the states of New Jersey, Delaware, and Maryland, informed congress that they had not yet received powers to ratify and sign. North Carolina, whose legislature had ratified the articles of confederation; and the state of Georgia; were not at this date represented in congress. After the ratification was completed by the delegates present who were empowered to sign the same, it was

The articles of confederation in congress, 1778-81. States not signing.

“RESOLVED, That a committee of three be appointed to prepare a Circular Letter to the states in this union that have not hitherto authorized their delegates to ratify the confederation, informing such states how many and what states had already ratified the same, and desiring that such states will, with all convenient dispatch, authorize their delegates to ratify the confederation in the congress of the United States.”

Resolution thereupon.

Mr. Lee, Mr. Dana and Mr. G. Morris, were accordingly appointed a committee for this purpose. On the tenth day of July, the next day after their appointment, the committee reported a draft letter to congress, which, being read and amended, was adopted as follows, viz.:

Committee thereon and report.

“SIR,—Congress, intent upon the present and future security of these United States, has never ceased to consider a confederacy as the great principle of union, which can alone establish the liberty of America, and exclude forever the hopes of its enemies. Influenced by considerations so powerful, and duly weighing the difficulties which oppose the expectation of any plan being formed that can exactly meet the wishes and obtain the approbation of so many states, differing essentially in so many points; congress have, after mature deliberation, agreed to adopt without amendments the confederation transmitted to the several states for their approbation. The states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, North Carolina, and South Carolina, have ratified the same; and it remains only for your

Circular letter of congress to the colonies which had not authorized their ratification, July 11th, 1778.

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Circular letter of the congress.

state with those of * * * * * to conclude the glorious compact, which, by uniting the wealth, strength and councils of the whole, may bid defiance to external violence and internal dissensions, whilst it secures the public credit both at home and abroad. Congress is willing to hope that the patriotism and good sense of your state will be influenced by motives so important; and they request, sir, that you will be pleased to lay this letter before the legislature of * * * * * in order that, if they judge it proper, their delegates may be instructed to ratify the confederation with all convenient dispatch; trusting to future deliberations to make such alterations and amendments as experience may show to be expedient and just.

I have the honor to be, &c."

Report and ratification by delegates from Georgia, July, 1778. See pp. 684, 698.

On Monday, July thirteenth, Mr. Telfair, a delegate from *Georgia*, attended and produced the credentials of the delegates of that state: And on the twenty-third day of the same month the delegates laid before the congress the proceedings of the assembly of that state respecting the articles of confederation, which were read. On the twenty-fourth, the delegates present, *George Walton*, *Edward Telfair*, and *Edward Langworthy*, pursuant to the powers vested in them, signed the ratification of the articles of confederation.

Report and ratification by delegates from North Carolina, July, 1778. See p. 683.

On the sixteenth day of July, *Mr. Penn*, a delegate from *North Carolina*, attended the congress and produced the credentials of the delegates from that state, which was a commission signed by Gov. Caswell and certified by the secretary, notifying them of their election, and also certifying that they were respectively thereby "invested with such powers as may make any act done by you, or consent given in the said congress in behalf of this state, obligatory upon every inhabitant thereof." Pursuant to the power thus vested in them the delegates, *John Penn*, *Cornelius Harnett* and *John Williams*, affixed their names to the ratification of

the articles of confederation, in behalf of that state, July 22d, 1778.*

On the twenty-fifth day of November, Mr. Witherspoon, a delegate from the state of *New Jersey*, attended and laid before congress powers to the delegates of that state to ratify the confederation, which were read as follows:

“L. S. By his excellency, *William Livingston, Esquire*, Governor, Captain-general, and Commander-in-chief, in and over the state of New Jersey and territories thereunto belonging, Chancellor and Ordinary in the same. To ALL to whom these presents shall come, greeting: KNOW YE, that among the records in the secretary’s office, in the state of *New Jersey*, there is a certain instrument in writing purporting to be an act of the council and general assembly of the said state, which said act is contained in the words and tenor here following, to wit:

“An act to authorize and empower the delegates of the state of New Jersey in congress, to subscribe and ratify the articles of confederation and perpetual union between the several states.

“*Whereas*, articles of confederation and perpetual union between the states of * * * * * signed in the congress of the said states, by the Honorable *Henry Laurens*, Esquire, their president, have been laid before the legislature of this state, to be ratified by the same if approved: *And whereas*, notwithstanding the terms of the said articles of confederation and perpetual union are considered in divers respects unequal, and disadvantageous to this state, and the objections to several of the said articles lately stated and sent to the general congress aforesaid, on the part of this state, are still viewed as just and reasonable, and sundry of them as of the most essential moment to the welfare and happiness of the good people thereof: yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that every

The articles of confederation in congress, 1778–81.

Further report by the delegates from New Jersey, Nov., 1778.

See p. 629.

* Journals of congress.

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cles of
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separate and detached state interest ought to be postponed to the general good of the union; *And moreover*, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the inequality which now subsists:

Powers
and ratifi-
cation by
the dele-
gates from
New Jer-
sey, Nov.,
1778.

“SECTION 1ST. *Be it enacted*, by the Council and General Assembly of this state, and *it is hereby enacted* by the authority of the same, that the honorable *John Witherspoon, Abraham Clarke, Nathaniel Scudder*, and *Elias Boudinot*, Esquires, delegates representing this state in the congress of the United States, or any one or more of them, be and they hereby are, authorized, empowered, and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the states aforesaid.

“SECT. 2D. *And be it further enacted*, by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become conclusive as to this state, and obligatory thereon.

“In testimony whereof, the great seal of the said state of New Jersey is hereunto affixed, at Trenton, the twentieth day of November, in the year of our Lord one thousand seven hundred and seventy-eight; and in the third year of the Independency of the United States of America.

“WILLIAM LIVINGSTON.

“By his Excellency’s command,

“BOWES REED, *Secretary*.”

Ratifica-
tion of,
Nov. 26th,
1778.

In pursuance of these powers, the delegates of New Jersey signed the ratification of the articles of confederation and perpetual union, November 26th, 1778.

That a Protestant Christianity has at all times been recognized by the people of America as an essential element in their constitutional and political organisms,

has been made fully apparent in the progress of this history. We find an ample recognition of it by the congress in one of the first acts of their first session, and at every subsequent meeting, in the appointment of chaplains, whose services were daily put in requisition. We find it recognized in their *Manifesto* upon taking up arms; in their petitions to the king, their addresses to the people of Great Britain, and to the inhabitants of America. We find it also in the Declaration of their Independence; in their address on the state of public affairs upon the ratification of the treaty with France. We find it again in their recent circular letter to the states with reference to the adoption of the articles of confederation. And now, in the very midst of the most absorbing cares and pressing responsibilities which could occupy their attention, elated by the favor with which those articles had been thus far received by the several colonies, they put forth to the world an expressive recognition of it, *by ordering*,

The articles of confederation in congress, 1778-81.

Constitutional recognition of Protest-antism by congress.

See p. 663.

“That the *Chaplains* of Congress prepare and report a recommendation to the several states, to set apart the thirtieth day of December next, *as a day of general thanksgiving throughout the United States.*”

Resolution for a general thanksgiving, Nov., 1778.

Pursuant to this resolution, the Chaplains prepared and reported a recommendation; which, being read and amended, was adopted, November seventeenth, 1778, as follows, viz.:

Report on.

“It having pleased Almighty God, through the course of the present year, to bestow many great and manifold mercies on the people of these United States; and it being the indispensable duty of all men gratefully to acknowledge their obligations to him for benefits received:

The proclamation.

“RESOLVED, *That it be and hereby is recommended* to the legislative or executive authority of each of the said states, to appoint Wednesday, the thirtieth of December next, to be observed as a day of public thanksgiving and praise: that all people may, with united

Thanks-giving and praise.

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Proclamation for a general thanksgiving by congress, Nov. 17th, 1778.

Penitence and confession.

Invocation.

To abstain from recreation.

Report from Delaware. See pp. 683, 698.

hearts, on that day, express a just sense of His unmerited favors; particularly in that it hath pleased Him, by His over-ruling Providence, to support us in a just and necessary war for the defence of our rights and liberties; by affording us seasonable supplies for our armies; by disposing the heart of a powerful monarch to enter into an alliance with us, and aid our cause; by defeating the councils and evil designs of our enemies, and giving us victory over their troops; and by the continuance of that union among these states, which, by His blessing, will be their future strength and glory.

"And it is further recommended, that, together with devout thanksgiving, may be joined a penitent confession of our sins, and humble supplication for pardon through the merits of our Saviour; so that, under the smiles of Heaven, our public councils may be directed, our arms by land and sea prospered, our liberty and independence secured, our schools and seminaries of learning flourish, our trade be revived, our husbandry and manufactures increased, and the hearts of all impressed with undissembled piety, with benevolence, and zeal for the public good.

"And it is also recommended, that recreations unsuitable to the purpose of such a solemnity may be omitted on that day.

"Done in Congress, this 17th day of November, 1778, and in the third year of the Independence of the United States of America."

Delaware, from whatever cause, seems to have been in a very disturbed condition during the year 1778, so that no action was taken by her legislature on the articles of confederation. On the sixth of November of that year, "a letter of the fourth, from Mr. President Rodney, of the state of Delaware, was laid before Congress," informing them "that the members of the House of Assembly have, by some means or other, in

the course of the second and third instant, dispersed ; and thereby the house dissolved without having completed any one piece of business laid before them.”

The articles of confederation in congress, 1778-81.

Whereupon it was “RESOLVED, That the president write to the honorable *C. Rodney*, Esquire, president of the state of Delaware, and request him to call the assembly of that state together as soon as possible.”*

Resolution upon.

On Tuesday, the sixteenth day of February, 1779, Mr. McKeane, a delegate from Delaware, laid before the congress an act of the general assembly of that state, duly authenticated by the seal of the state and the certificate of the governor, in the words and figures following, to wit:

“*Anno Millesimo Septingentessimo Septuagessimo nono.* An act to authorize and empower the delegates of the Delaware State, to subscribe and ratify the articles of confederation and perpetual union between the several states of (naming them), signed in the general congress of the said states by the honorable Henry Laurens, Esquire, their then president, having been laid before the legislature of this state, to be ratified by the same, if approved: *And whereas*, notwithstanding the terms of the articles of confederation and perpetual union, are considered as in divers respects unequal and disadvantageous to this state, and the objections stated on the part of this state are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that the interest of particular states ought to be postponed to the general good of the union, *and moreover*, in firm reliance that the candor and justice of the several states will, in due time, remove as far as possible, the objectionable parts thereof: *Be it enacted by the General Assembly* of Delaware, and it is hereby enacted by the authority of the same, that the honorable John Dickinson, Nicholas Van Dyke, and Thomas McKeane, Esquires, delegates appointed to rep-

Powers and ratification by the delegates from Delaware, Feb. 16, 1779.

* Journals of Congress.

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The articles of confederation in congress, 1778-81.

Powers and ratification by Delaware, Feb. 16, 1779.

resent this state in congress, or any one or more of them, be and they hereby are, authorized, empowered and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the several states aforesaid.

“And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become obligations on this state.

Signed by order of the House of Assembly.

NICHOLAS VAN DYKE, *Speaker*.

Signed by the order of the council.

THOMAS COLLINS, *Pres't*.

Passed at Dover, February 1st, 1779.”

* May 5, 1779.

Mr. McKeane thereupon signed the articles of confederation on behalf of the state of Delaware, which were afterwards* signed also by Mr. Dickinson and Mr. Van Dyke.

Recommendation of a general fast by congress, March, 1779.

I have thus far carefully recorded the recognition by the congress of the obligations of a Protestant Christianity, in its influence upon their acts and deliberations; and as a material element in the organization of our political fabric, in their recommendation of a day of general thanksgiving to be set apart and observed throughout the union. We find them now again repeating the recognition in a recommendation of a day of general fasting, humiliation, and prayer; prepared in this instance, not by their chaplains, but by a committee chosen from among their own body of statesmen.

Its political developments.

This constant commingling of the observances of a true faith with the labors of a political revolution, and the construction of a political confederacy of states, is a development of protestantism peculiarly American, and is alone that which has given to our political systems their peculiar and characteristic elements of freedom, efficiency, strength, and permanency. Never before in the annals of nations, has there been so illustri-

ous an exhibition of unaffected piety in high places, or so much distinguished statesmanship consecrated by an humble dependence upon the providential care and guidance of the Almighty. Would that their example might produce a corresponding respect for the faith and observances of a pure christianity in our own day and generation.

The committee appointed for this purpose, *Mr. G. Morris, Mr. Dayton, and Mr. Paca*, on the twentieth of March, 1779, brought in a draft, which was taken into consideration, and agreed to by the congress, as follows, to wit:

“WHEREAS, in just punishment of our manifold transgressions, it hath pleased the Supreme Disposer of all events to visit these United States with a calamitous war, through which His Divine Providence hath hitherto in a wonderful manner conducted us, so that we might acknowledge that the race is not to the swift, nor the battle to the strong: AND WHEREAS, notwithstanding the chastisements received and benefits bestowed, too few have been sufficiently awakened to a sense of their guilt; or warmed with gratitude; or taught to amend their lives and turn from their sins, that so He might turn from His wrath: AND WHEREAS, from a consciousness of what we have merited at His hands, and an apprehension that the malevolence of our disappointed enemies, like the incredulity of Pharaoh, may be used as the scourge of Omnipotence to vindicate His slighted Majesty, there is reason to fear that He may permit much of our land to become the prey of the spoiler, our borders to be ravaged, and our habitations destroyed:

“RESOLVED, That it be recommended to the several states to appoint the first Thursday in May next, to be a day of fasting, humiliation, and prayer to Almighty God, that he will be pleased to avert those impending calamities which we have but too well deserved; That He will grant us his grace to repent of our sins, and amend our lives according to His Holy

The articles of confederation in congress, 1778-81.

Committee on the recommendation, and their report.

The proclamation.

Further recognition of protestantism.

The recommendation.

The arti-
cles of
confedera-
tion in
congress,
1778-81.

Word ; That He will continue that wonderful protec-
tion which hath led us through the paths of danger and
distress ; That He will be a husband to the widow,
and father to the fatherless children, who weep
over the barbarities of a savage enemy ; That He will
grant us patience in suffering and fortitude in adver-
sity ; That He will inspire us with humility, modera-
tion, and gratitude, in prosperous circumstances ; That
He will give wisdom to our councils, firmness to our
resolutions, and victory to our arms : That He will bless
the labours of the husbandman, and pour forth abund-
ance so that we may enjoy the fruits of the earth in
due season ; That He will cause union, harmony, and
mutual confidence, to prevail throughout these states ;
That He will bestow on our great Ally all those bless-
ings which may enable him to be gloriously instru-
mental in protecting the rights of mankind, and pro-
moting the happiness of his subjects : That He will
bountifully continue His paternal care to the Com-
mander-in-Chief, and the officers and soldiers of the
United States ; That He will grant the blessings of
peace to all contending nations ; freedom to those who
are in bondage, and comfort to the afflicted ; that He
will diffuse useful knowledge, extend the influence of
true religion and give us that peace of mind which the
world cannot give ; That He will be our shield in the
day of battle, our comforter in the hour of death, and
our kind parent and merciful judge through time and
through eternity.

Proclama-
tion for a
general
fast by
congress,
March
20th, 1779.

“ Done in congress, this twentieth day of March, in
the year of our Lord one thousand seven hundred and
seventy-nine ; and in the third year of our independ-
ence.

JOHN JAY, *President.*

Attest, CHARLES THOMSON, *Secretary.*”

Further
from Vir-
ginia.

On the twentieth day of May, 1779, the delegates
from Virginia laid before congress certain powers and

instructions, given to them by the general assembly of their state, which were read, and were as follows, viz.:
"In General Assembly, Saturday, the nineteenth day of December, 1778:

"RESOLVED, nemine contradicente, That our delegates in congress be instructed to propose to congress, that they recommend to each of the states named as parties in the articles of confederation, heretofore laid before and ratified by this assembly, that they authorize their delegates in congress to ratify the said articles, together with the delegates of so many other of the said states as shall be willing; so that the same shall be forever binding on the states so ratifying, notwithstanding that a part of those named shall decline to ratify the same; *allowing nevertheless* to the said states so declining either a given or indefinite time, as to congress shall seem best, for acceding to the said confederation, and making themselves thereby members of the union.

"RESOLVED, nemine contradicente, That our said delegates, now in office, or hereafter to be appointed, be authorized and required, and are hereby authorized and required, to ratify the said articles of confederation on the part of this commonwealth, with so many of the other states named in them as parties as shall on their part ratify the same.

"Test, A. CAREY, S. S.; B. HARRISON, S. H. D."

In pursuance of these instructions and powers the delegates from Virginia moved in the words following:

"Whereas it is of the greatest importance to the safety, honor and interest of the United States, that the confederation be closed as soon as may be, and rendered forever binding on the states according thereto:

"RESOLVED, That it be earnestly recommended to each of the states named as parties to the confederation, that they authorize their delegates in congress to ratify the same on or before the day of next, in conjunction with the delegates of so many other of the said states as shall be willing; to the end that the same

The articles of confederation in congress, 1778-81.

Further powers and instructions from Virginia, May 20th, 1779.

Delegates empowered to ratify with any number of states. See pp. 683, 695.

Motion thereupon.

Virginia proposes to ratify with any number of states, May, 1779.

The articles of confederation in congress, 1778-81.

may be, thenceforward forever binding on the states so ratifying, notwithstanding that a part of those named shall decline to ratify the same."

Congress took no action on this resolution. The delegates from Virginia then delivered in a paper signed by themselves in the words following, to wit:

Declaration filed by her delegates.

"In consequence of the foregoing instructions and powers to us given, we do hereby declare, that we are ready and willing to ratify the confederation with any one or more states named therein, so that the same shall be forever binding upon the state of Virginia.

Signed, *"Meriweather Smith, Cyrus Griffen, Richard Henry Lee, William Fleming."*

Second report from Maryland, May, 1779. See page 686.

The delegates from *Maryland* now stated that they had received instructions from their constituents respecting the articles of confederation, which they were directed to lay before congress and to have entered on their journals. The instructions were thereupon read as follows, to wit:

"Instructions of the General Assembly of Maryland to George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel-of-St.-Thomas Jenifer, Esquires:

Their instructions.

"Gentlemen: having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities, and zeal, to promote the general welfare of the United States, and the particular interest of this state, where the latter is not incompatible with the former; but to add greater weight to your proceedings in congress, and to take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the state you represent; we think it our duty to instruct you as followeth, on the subject of the confederation, a subject in which unfortunately a supposed difference of interest has produced an almost

equal division of sentiments among the several states composing the union. We say *a supposed difference* of interests; for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound) we flatter ourselves this apparent diversity of interests would soon vanish; and all the states would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting.

The articles of confederation in congress, 1778-81.

Second report by the delegates from Maryland, May, 1779.

“Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances may have induced some states to accede to the present confederation, contrary to their own interests and judgments; it requires no great share of foresight to predict, that when those causes cease to operate, the states which have thus acceded to the confederation, will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence.

Distrust of other states.

“Is it possible that those states which are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not. We are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress, by open force, their less wealthy and less powerful neighbors, yet the depopulation, and consequently the impoverishment of

Their claims to territory.

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Claims to western lands.

those states, will necessarily follow, which, by an unfair construction of the confederation, may be stripped of a common interest in, and the common benefits derivable from, the western country. Suppose, for instance, Virginia, indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning.

“Virginia, by selling on the most moderate terms a small portion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales would be enabled to lessen her taxes: Lands comparatively cheap and taxes comparatively low with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumstanced of its most useful inhabitants; its wealth, and its consequence in the scale of the confederated states would sink of course.

“A claim so injurious to more than one-half, if not to the whole, of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? What arguments alledged in support either of the evidence or the right? None that we have heard of, deserving a serious refutation.

“It has been said that some of the delegates of a neighboring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state; hence also the necessity was admitted of dividing its territory and erecting a new state, under the auspices and direction of the elder, from whom no doubt it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced: Such a measure, if ever attempted, would certainly be opposed by the other states, as inconsistent with the letter and spirit of the proposed confederation,

should it take place, by establishing a sub-confederacy, *imperium in imperio*: The state possessed of this extensive dominion, must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of congress to interpose at a future time, and to lop off a part of its territory to be erected into a new and free state, and admitted into the confederation on such conditions as shall be settled by nine states.

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“If it is necessary for the happiness and tranquillity of a state thus overgrown, that congress should hereafter interfere and divide its territory, why is the claim to that territory now made and so pertinaciously insisted on? We can suggest to ourselves but two motives; either the declaration of relinquishing at some future period a portion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition; or if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale.”

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“We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parceled out by congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. Thus convinced we should betray the trust reposed in us by our constituents, were we to authorize you to ratify, on their behalf, the confederation, unless it be further explained: We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just and essential rights, and *do instruct you not to agree to the confederation*, unless an article, or articles, be added thereto in conformity with our declaration:

Crown lands common property.

Instructed not to ratify, &c.

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Should we succeed in obtaining such article, or articles, then you are hereby fully empowered to accede to the confederation."

"*That these our sentiments* respecting the confederation may be more publicly known and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before congress; to have it printed, and to deliver to each of the delegates of the other states, in congress assembled, copies thereof, signed by yourselves, or by such of you as may be present at the time of the delivery; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration. Also we desire, and instruct you to move, at a proper time, that these instructions be read to congress by their secretary, and entered on the journals of congress.

Second report by the delegates from Maryland, May, 1779.

"We have spoken with freedom, as becomes freemen; and we severally wish, that these our representations may make such an impression on that assembly as to induce them to make such addition to the articles of confederation as may bring about *a permanent union*.

"A true copy from the proceedings of December, 15th, 1778.

Test, T. DUCHETT, C. H. D."

Further powers and report of delegates from Connecticut, May, 1779. See p. 678 and 689.

The delegates from the colony of *Connecticut* now also laid before congress further powers relative to the articles of confederation, which were read, as follows:

"STATE OF CONNECTICUT, SS.: At a General Assembly of the Governor and Company of the state of Connecticut in America, holden at Hartford by special order of the governor of said state, on Wednesday the seventh day of April, anno domini, 1779. (L. S.)

"It appearing to this assembly to be essentially necessary for the preservation, safety, independence and sovereignty of the United States of America, that the

articles of confederation and perpetual union be acceded to, ratified, and confirmed; *and whereas*, all of the said states, except Maryland, have agreed to and confirmed said articles of confederation, and Maryland hath not acceded to said articles as drawn up, for reasons heretofore published; *and whereas* the confederation of thirteen states may not be considered as obligatory on twelve states only:

“*Resolved*, That the delegates of this state in congress, be directed and empowered, and full power and authority is hereby given and granted to the said delegates, in the name and behalf of this state, to enter into, ratify, and confirm, said articles of confederation and perpetual union, with the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; in the most full and ample manner; *always provided* that the state of Maryland be not thereby excluded from acceding to the confederation at any time hereafter.

“A true copy of record examined by

GEORGE WYLLYS, *Secretary.*”

Thus tardily did the organization of the United States into a permanent confederacy advance towards a consummation. Meanwhile, the Congress went on in the administration of the general government of the union, without any other investiture of authority than such as was derived to it on taking up arms against Great Britain, and under the declaration of independence; while the people and the states obeyed its mandates and complied with its requisitions, without even once questioning the supremacy of its power, or the justice of its jurisdiction. Hence its own state papers become the best illustration of its paramount control over the destinies of the nation; while they also develop the patient care and solicitude, the wisdom, ability, and skill, with which it guarded every interest, protected

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Empowered to ratify with eleven others.

Governmental position and powers of congress.

Its supremacy.

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every right, and ultimately harmonized the sympathies and the aims of a various constituency into one grand brotherhood of Confederate States. In this view, we read with a lively interest, an address on public affairs, at this crisis reported to the congress, by *Mr. Dickinson*, *Mr. Duane*, and *Mr. Drayton*, a committee appointed to prepare the same; which being read and amended, was unanimously adopted on the twenty-sixth day of May, 1779, as follows, to wit:

“TO THE INHABITANTS OF THE UNITED STATES OF
AMERICA.

The im-
portance
of the
crisis.

“Friends and Countrymen: The present situation of public affairs demands your most serious attention; and particularly the great and increasing depreciation of your currency, requires the immediate, strenuous, and united efforts of all true friends to their country, for preventing an extension of the mischiefs that have flowed from that source.

“America, without arms, ammunition, discipline, revenue, government, or ally; almost totally stript of commerce, and in the weakness of youth, as it were with a ‘staff and a sling’ only, dared ‘in the name of the Lord of Hosts’ to engage a gigantic adversary, prepared at all points, boasting of his strength, and of whom even mighty warriors ‘were greatly afraid.’”

Expenses
of the war
defrayed
by paper
money.

“For defraying the expenses of this uncommon war, your representatives in congress were obliged to emit paper money; an expedient that you knew to have been before generally and successfully practiced on this continent: They were very sensible of the inconveniences with which too frequent emissions would be attended, and endeavored to avoid them. For this purpose they established loan offices so early as in October, 1776, and from that time to this repeatedly and earnestly solicited you to lend them money on the faith of the United States. The funds received on loan have nevertheless proved inadequate to the public

Financial
embarrass-
ment.

exigencies. Our enemies prosecuting the war by sea and land with implacable fury, and with some success, taxation at home and borrowing abroad in the midst of difficulties and dangers, were alike impracticable. Hence the continued necessity of new emissions.

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“But to this cause alone we do not impute the evil before mentioned. We have too much reason to believe it has been in part owing to the artifices of men who have hastened to enrich themselves by monopolizing the necessities of life, and to the misconduct of inferior officers employed in the public service.

“*The variety and importance of the business* entrusted to your delegates, and their constant attendance in congress, necessarily disables them from investigating disorders of this kind. Justly apprehensive of them, they by their several resolutions of the twenty-second November and twentieth December, 1777, and of the third and ninth of February, 1778, recommended to the legislative and executive powers of these states, a due attention to these interesting affairs. How far these recommendations have been complied with, we will not undertake to determine: But we hold ourselves bound in duty to you to declare, that we are not convinced there has been as much diligence used in detecting and reforming abuses, as there has been in committing or complaining of them.

Neglect of states to comply with its requisitions.

“*With regard to monopolizers,* it is our opinion that taxes judiciously laid on such articles as become the objects of engrossers, and those frequently collected, would operate against the pernicious tendency of such practices.

Monopolizers.

“*As to inferior officers* employed in the public service, we anxiously desire to call your most vigilant attention to their conduct with respect to every species of misbehaviour, whether proceeding from ignorance, negligence, or fraud; and to the making of laws for inflicting exemplary punishment on all offenders of this kind.

Conduct of public officers.

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"We are sorry to hear, that some persons are so slightly informed of their own interests as to suppose that it is advantageous to sell the produce of their farms at enormous prices, when a little reflection might convince them that it is injurious to those interests and the general welfare. If they expect thereby to purchase imported goods cheaper, they will be egregiously disappointed; for the merchants, who know they cannot obtain returns in gold, silver, or bills of exchange, but that their vessels, if loaded here at all, must be loaded with produce, will raise the price of what they have to sell, in proportion to the price of what they have to buy; and consequently the landholder can purchase no more foreign goods for the same quantity of his produce than he could before.

Errors in
the opera-
tions of
landhold-
ers.

"The evil, however, does not stop at this point. The landholder, by acting on this mistaken calculation, is only labouring to accumulate an immense debt by increasing the public expenses, for the payment of which his estate is engaged; and to embarrass every measure adopted for vindicating his liberty and securing his prosperity. As the harvests of this year, which by the Divine goodness promise to be plentiful, will soon be gathered, and some new measures relating to your foreign concerns, with some arrangements relating to your domestic, are now under consideration, from which beneficial effects are expected, we entertain hopes that your affairs will acquire a much greater degree of regularity and energy than they have hitherto had.

Reliance
upon the
people and
the states.

"But we should be highly criminal, if we did not plainly tell you that these hopes are not founded wholly upon our own proceedings. These must be supported by your virtue, your wisdom, and your diligence. From the advantage of those seats in the national council with which you have honored us, we have a pleasing prospect of many blessings approaching this our native land. It is your patriotism must introduce and fix them here.

"In vain will it be for your delegates to form plans of economy, to strive to stop a continuation of emissions by taxation or loan, if you do not zealously operate with them in promoting their designs, and use your utmost industry to prevent the waste of money in the expenditure, which your respective situations in the several places where it is expended, may enable you to do. A discharge of this duty, and a compliance with recommendations for supplying money, might enable congress to give speedy assurances to the public that no more emissions shall take place, and thereby close that source of depreciation.

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They must co-operate with congress.

"Your governments being now established, and your ability to contend with your invaders ascertained, we have, on the most mature deliberation, judged it indispensably necessary to call upon you for forty-five millions of dollars, in addition to the fifteen millions required by a resolution of congress of the second of January last; to be paid into the continental treasury before the first day of January next, in the same proportion, as to the quotas of the several states, with that for the said fifteen millions.

Call for money.

"It appeared proper to us, to fix the first day of January for the payment of the whole; but as it is probable that some states, if not all, will raise part of the sums by installments, or otherwise, before that time, we recommend in the strongest manner the paying as much as can be collected as soon as possible into the continental treasury. Though it is manifest that moderate taxation in times of peace will recover the credit of your currency, yet the encouragement which your enemies derive from its depreciation, and the present exigencies, demand great and speedy exertions.

Necessity of giving credit to the currency.

"We are persuaded you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals: But though the raising these sums should press heavily on some of our constituents, yet the obli-

From motives of humanity, justice and piety.

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gations we feel to your venerable clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers, the public faith and the common weal, so irresistibly urge us to attempt the appreciation of your currency, that we cannot withhold obedience to those authoritative sensations: On this subject we will only add, that as the rules of justice are most pleasing to our infinitely good and gracious Creator, and an adherence to them most likely to obtain His favor, so they will ever be found to be the best and safest maxims of human policy.

Cares and
anxieties
of the
congress.

"To our constituents we submit the propriety and purity of our intentions, well knowing they will not forget that we lay no burthens upon them, but those in which we participate with them—a happy sympathy, that pervades societies formed on the basis of equal liberty. Many cares, many labours, and may we not add, reproaches, are peculiar to us. These are the emoluments of our unsolicited stations; and with these we are content if you approve our conduct. If you do not, we shall return to our private condition with no other regret, than that which will arise from our not having served you as acceptably and essentially as we wished and strove to do, though as cheerfully and faithfully as we could.

Hopeful-
ness of
their cause.

"Think not we despair of the commonwealth, or endeavor to shrink from opposing difficulties. No; your cause is too good, your objects too good, to be relinquished. We tell you truths, because you are freemen who can bear to hear them and may profit by them; and when they reach your enemies, we fear not the consequences, because we are not ignorant of their resources or our own. Let your good sense decide upon the comparison. Let even their prejudiced understandings decide upon it, and you need not be apprehensive of the determination.

"Whatever supposed advantages from plans of rapine, projects of blood, or dreams of domination, may here-

tofore have aroused their inflamed fancies, the conduct of one monarch, the friend and protector of the rights of mankind, has turned the scale so much against them that their visionary schemes vanish as the unwholesome vapors of night before the healthful influence of the sun.

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"An alliance has been formed between his Most Christian Majesty and these states, on the basis of the most perfect equality, for the direct end of maintaining effectually their liberty, sovereignty, and independence, absolute and unlimited as well in matters of government as of commerce." *

The French alliance.

"The conduct of our good and great Ally towards us, in this instance and others, has so fully manifested his sincerity and kindness as to excite, on our part, correspondent sentiments of confidence and affection.

* First official publication of the aims of the treaty.

"Observing the interests of his kingdom, to which duty and inclination prompted his attention, to be connected with those of America, and the combination of both clearly to coincide with the beneficent designs of the Author of Nature, who unquestionably intended men to partake of certain rights and portions of happiness, his majesty perceived the attainment of these views to be founded on the single proposition of a separation between America and Great Britain.

"The resentment and confusion of your enemies will point out to you the ideas you should entertain of the magnanimity and consummate wisdom of his Most Christian Majesty on this occasion. They perceive, that selecting this grand and just idea from all those specious ones, that might have confused or misled inferior judgment or virtue, and satisfied with the advantages which must result from that event alone, he has cemented the harmony between himself and these states, not only by establishing a reciprocity of benefits, but by eradicating every cause of jealousy and suspicion.

Its foundation and character.

"They also perceive with similar emotions, that the moderation of an Ally, in not desiring an acquisition

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of dominion on this continent, or an exclusion of other nations from a share of its commercial advantages, so useful to them, has given no alarm to those nations, but in fact has interested them in the accomplishment of his generous undertaking to dissolve the monopoly thereof by Great Britain, which has already contributed to elevate her to her present power and haughtiness, and threatened, if continued, to raise both to a height insupportable to the rest of Europe.

Its effect
on other
nations.

"In short their own best informed statesmen and writers confess that your cause is exceedingly favored by courts and people in that quarter of the world, while that of your adversaries is equally reprobated; and from thence draw ominous and well founded conclusions that the final event must prove unfortunate to the latter. Indeed we have the best reason to believe that we shall soon form other alliances, and on principles honorable and beneficial to these states.

Weakness
and despe-
ration of
the enemy.

"Infatuated as your enemies have been from the beginning of this contest, do you imagine they can now flatter themselves with a hope of conquering you, unless you are false to yourselves? When, unprepared, undisciplined, and unsupported, you opposed their fleets and armies in full conjoined force, then, if at any time, was conquest to be apprehended. Yet what progress towards it have their violent and incessant efforts made? Judge from their own conduct. Having devoted you to bondage, and after vainly wasting their blood and treasure in the dishonorable enterprise, they deigned at length to offer terms of accommodation with respectful addresses, to that once despised body, the congress; whose humble supplications only for peace, liberty, and safety, they had contemptuously rejected, under pretence of its being an unconstitutional assembly. Nay more, desirous of reducing you into a deviation from the paths of rectitude, from which they had so far and so rashly wandered, they made most specious offers to tempt you into a violation of your faith given to your

The terms
of concil-
iation of-
fered to
congress.

illustrious ally. Their arts were as unavailing as their arms.

"Foiled again and stung with rage, embittered by envy, they had no alternative but to renounce the inglorious and ruinous controversy, or to resume their former modes of prosecuting it. They chose the latter. Again the savages are stimulated to horrid massacres of women and children, and domestics to the murder of their masters. Again our brave and unhappy brethren are doomed to miserable deaths in gaols and prison-ships. To complete the sanguinary system, all the 'extremities of war' are by authority denounced against you.

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Enlistment
of the sav-
ages by
ministry.

"Piously endeavor to derive this consolation from their remorseless fury, that 'the Father of mercies' looks down with disapprobation on such audacious defiance of his holy laws; and be further comforted with recollecting, that the arms assumed by you in your righteous cause have not been sullied by any unjustifiable severities.

An omen
of hope.

"Your enemies despairing, however, as it seems, of the success of their united forces against our main army, have divided them, as if their design was to harass you by predatory, desultory operations. If you are assiduous in improving opportunities, Saratoga may not be the only spot on this continent to give a new denomination to the baffled troops of a nation, impiously priding herself in notions of her omnipotence.

Tactics of
the enemy.

"Rouse yourselves, therefore, that this campaign may finish the great work you have so nobly carried on for several years past. What nation ever engaged in such a contest, under such a complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion? We will venture to pronounce that so remarkable an instance exists not in the annals of mankind. We well remember what you said at the commencement of this war. You saw the immense

Past suc-
cess pres-
ages future
triumph.

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difference between your circumstances and those of your enemies, and you knew the quarrel must decide on no less than your lives, liberties, and estates: All these you greatly put to every hazard, resolving rather to die freemen than to live slaves; and justice will oblige the impartial world to confess you have uniformly acted on the same generous principle. Consider how much you have done, and how comparatively little remains to be done to crown you with success. Persevere; and you ensure peace, freedom, safety, glory, sovereignty, and felicity to yourselves, your children, and your children's children.

Reliance
on Provi-
dence.

"Encouraged by favors already received from infinite goodness, gratefully acknowledging them, earnestly imploring their continuance, constantly endeavoring to draw them down on your heads by an amendment of your lives, and a conformity to the divine will, humbly confiding in the protection so often and wonderfully experienced, vigorously employ the means placed by Providence in your hands, for completing your labours.

Final
appeal.

"Fill up your battalions; be prepared in every part to repel the incursions of your enemies; place your several quotas in the continental treasury; lend money for public uses; sink the emissions of your respective states; provide effectually for expediting the conveyance of supplies for your armies and fleets, and for your allies; prevent the produce of the country from being monopolized; effectually superintend the behaviour of public officers; diligently promote piety, virtue, brotherly love, learning, frugality, and moderation; and may you be approved before Almighty God worthy of those blessings we devoutly wish you to enjoy.

*"Done in Congress, by unanimous consent, the
26th day of May, One thousand seven hundred and seventy-nine.*

* Journals
of Con-
gress.

JOHN JAY, *President.*

"Attest, CHARLES THOMSON, *Secretary.*"*

That the proposition contained in the articles of confederation, submitted by the congress to the several states for ratification, was not an appeal to them to accede to a general union, is evident not only from the fact that they were already united, but also from the further fact that each state continued to be represented in the congress, notwithstanding its objections to the proposed articles, and its refusal to ratify them. The question, therefore, of a secession from, or an accession to, the union, was not even thought of in any of their deliberations on the subject, whether in or out of congress. The simple and only material consideration was, shall the union already existing be made perpetual? If made perpetual, shall it be made so under the proposed articles of confederation? And while each of the United Colonies, or States, was earnestly desirous to perpetuate the league itself, it might well and wisely hesitate and deliberate before it gave to the covenant the seal of perpetuity, if it were not entirely precluded by the already existing compact under the declaration of independence. The canceling of that, indeed, might be one of the very essential steps necessary to give validity to any new compact of union, and to stamp upon it the conditions, character, and assurances of permanency. It cannot be supposed, and it was not in fact so, that any one of the colonies was ready to rush upon the perilous alternative of secession, dependence upon the crown of Great Britain. They could not so stultify their own solemn declarations. Yet there was no neutral, no intermediate ground to stand upon. The colony that seceded must necessarily become subject to the parent power, and cease to be a party to the treaty with France, if indeed that treaty were not violated and rendered wholly nugatory by any such act of secession.

Why not then make the union perpetual? The remonstrance of Maryland itself shows how hopeless they considered it, and how reckless would have been

The crisis
of the con-
federation,
1779-81.

See p. 738.

Secession
not
thought of.

The com-
pact of in-
depend-
ence, and
the pro-
posed con-
federation.

Secession,
what.

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of the con-
federation,
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the effort for any one state to maintain a separate independence, even with reference to the other states; much more so in its relations with Great Britain, and perhaps even with France; while at the same time it discloses the insidious policy which was at work to promote discord and dissension among the people of the several states.

Effect of
the French
alliance in
England.

The whole British nation was amazed and paralyzed by the alliance with France. The ministry had been all along assuring parliament and the people that it was an impossibility; and when it became known as a fact, they were utterly astounded and stupefied by the announcement.* While they were thus losing the confidence of their own adherents at home, their power was weakened by the terrible defeat of their armies in America; and parliament began to talk seriously of abandoning the contest, and conceding the independence of the American Colonies.

* See J.
Debrett's
Parlia-
mentary
Debates.

Hostility
of minis-
try to the
confedera-
tion.

Hence the only hope left to the king and his evil counselors, was to sever their union; so that when the proposition to make that union more perfect and perpetual, transpired in England, the emissaries and hirelings of a desperate and infuriated administration were sent over to accomplish if possible the work of severance and discord. Designing men, thus instigated, began to flatter the people of some of the colonies with the idea of an independence which might be enjoyed in severalty. In others they urged the impossibility of success under the general difficulties, and pecuniary embarrassments, which were now crippling the operations of the congress,* and throwing upon the colonies, *as members of the general union*, obligations and responsibilities from which, they urged, it would be impossible ever to extricate themselves. It was at this crisis that that distinguished patriot, John Jay, then the president of that body, laid before the congress the draft of a circular letter, which was read twice, and unanimously agreed to, as follows:

Attempts
to prevent
its ratifi-
cation.

* See the
last ad-
dress of
the con-
gress, ante,
page 663.
Post, p.
740.

"CIRCULAR LETTER OF THE CONGRESS OF THE UNITED STATES OF AMERICA TO THEIR CONSTITUENTS, ON PUBLIC AFFAIRS, SEPTEMBER 13TH, 1779. The crisis of the confederation, 1779-81.

"Friends and Fellow Citizens :

"In governments raised on the generous principles of equal liberty, where the rulers of the state are the servants of the people, and not the masters of those from whom they derive authority, it is their duty to inform their fellow-citizens of the state of affairs, and by evincing the propriety of public measures, lead them to unite the influence of inclination to the force of legal obligation in rendering them successful. This duty ceases not even in times of the most perfect peace, order, and tranquillity, when the safety of the commonwealth is neither endangered by force or seduction from abroad, or by faction, treachery, or misguided ambition from within. At this season, therefore, we find ourselves in a particular manner impressed with a sense of it, and can no longer forbear calling your attention to a subject much misrepresented, and respecting which dangerous as well as erroneous opinions have been held and propagated: we mean your finances. Circular letter from the congress to their constituents, Sept. 13th, 1779. The duty of rulers in a free government.

"*The ungrateful despotism* and inordinate lust of domination, which marked the unnatural designs of the British king and his venal parliament to enslave the people of America, reduced you to the necessity of either asserting your rights by arms, or ingloriously passing under the yoke. You nobly preferred war. Armies were then to be raised, paid, and supplied; money became necessary for these purposes. Of your own there was but little, and of no nation in the world could you then borrow. The little that was spread among you could be collected only by taxes, and to this end regular governments were essential; of these you were also destitute. So circumstanced, you had no other resource but the natural value and wealth of The finances of the union.

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letter of
the con-
gress to
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The na-
tional debt.

your fertile country. Bills were issued on the credit of this bank, and *your faith* was pledged for their redemption. After a considerable number of these had circulated, loans were solicited, and offices for the purpose established. Thus a national debt was unavoidably created, and the amount of it is as follows:

Bills emitted and circulating,	. . .	\$159,948,880.
Monies borrowed before the 1st	} \$7,545,196 $\frac{6}{10}$ $\frac{7}{10}$ ths.	
of March, 1778, the interest of		
which is payable in France,		
Monies borrowed since the 1st of	} \$26,188,909 dolls.	
March, 1778, the interest of which		
is payable here,		
Money due abroad, not exactly	} \$4,000,000.	
known, the balances not having		
been transmitted, supposed to		
be about		

"For your further satisfaction we shall order a particular account of the several emissions, with the times limited for their redemption; and also of the several loans, the interest allowed on each, and the terms assigned for their payment, to be prepared and published.

Revenue
received
on taxes.

"The taxes have as yet brought into the treasury no more than \$3,027,560; so that all the monies supplied to congress by the people of America, amount to no more than 36,761,665 dollars and 67-90ths; that being the sum of the loans and taxes received. Judge then of the necessity of emissions, and learn from whom and from whence that necessity arose.

Bills of
credit lim-
ited to
\$200,000,-
000.

"We are also to inform you, that on the first day of September instant we resolved 'that we would on no account whatever emit more bills of credit than to make the whole amount of such bills two hundred millions of dollars;' and as the sum emitted and in circulation amounted to 159,948,880 dollars, and the sum of 40,051,120 dollars remained to complete the two

hundred million above mentioned, we on the third day of September instant further resolved 'that we would emit such part only of the said sum of 40,051,120 dollars, as should be absolutely necessary for public exigencies before adequate supplies could otherwise be obtained, relying for such supplies on the exertions of the several states.'

The crisis of the confederation, 1779-81.

Circular letter of the congress to their constituents, Sept. 13th, 1779.

"Exclusive of the great and ordinary expenses incident to the war, the depreciation of the currency has so swelled the prices of every necessary article, and of consequence made such additions to the usual amount of expenditures, that very considerable supplies must be immediately provided by loans and taxes; and we unanimously declare it to be essential to the welfare of these states, that the taxes already called for be paid into the continental treasury by the time recommended for that purpose. It is also highly proper that you should extend your views beyond that period, and prepare in season as well for bringing your respective quotas of troops into the field early the next campaign, as for providing the supplies necessary in the course of it. We shall take care to apprise you, from time to time, of the state of the treasury, and to recommend the proper measures for supplying it. To keep your battalions full, to encourage loans, and to assess your taxes with prudence, collect them with firmness, and pay them with punctuality, is all that will be requisite on your part. Further ways and means of providing for the public exigencies are now under consideration, and will soon be laid before you.

Loans and taxes necessary.

Duties of the states in the premises.

"Having thus given you a short and plain statement of your debt, and pointed out the necessity of punctuality in furnishing the supplies already required, we shall proceed to make a few remarks on the depreciation of the currency, to which we entreat your attention.

The depreciation of the currency.

"The depreciation of bills of credit is always either natural or artificial, or both. The latter is our case.

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THE REVOLUTIONARY UNION OF THE COLONIES

The crisis of the confederation, 1779-81. Circular letter of the congress to their constituents, Sept. 13th, 1779.

Natural depreciation of the currency.

Causes of artificial depreciation.

Ability of the U. S. to redeem their bills.

Faith in the success of the revolution.

The moment the sum in circulation exceeded what was necessary as a medium in commerce, it began and continued to depreciate in proportion as the amount of the surplus increased; and that proportion would hold good until the sum emitted should become so great as nearly to equal the value of the capital stock, on the credit of which the bills were issued. Supposing, therefore, that \$30,000,000 was necessary for a circulating medium, and that \$160,000,000, had issued, the natural depreciation is but little more than as five to one; but the actual depreciation exceeds that proportion and that excess is artificial. The natural depreciation is to be removed only by lessening the quantity of money in circulation. It will regain its primitive value whenever it shall be reduced to the sum necessary for a medium of commerce. This is only to be effected by loans and taxes.

"The artificial depreciation is a more serious subject and merits minute investigation. A distrust (however occasioned) entertained by the mass of the people either in the ability or inclination of the United States to redeem their bills is the cause of it. Let us inquire how far reason will justify a distrust in the ability of the United States.

"The ability of the United States must depend on two things; first, the success of the present revolution; and secondly, on the sufficiency of the natural wealth, value, and resources, of the country.

"That the time has been when honest men might, without being chargeable with timidity, have doubted the success of the present revolution, we admit; but that period is past. The independence of America is now as fixed as fate, and the petulant efforts of Britain to break it down, are as vain and fruitless as the raging of the waves which beat against their cliffs. Let those who are still afflicted with these doubts consider the character and condition of our enemies. Let them remember that we are contending against a kingdom

crumbling into pieces ; a nation without public virtue ; and a people sold to and betrayed by their own representatives ; against a prince governed by his passions, and a ministry without confidence or wisdom ; against armies half paid and generals half trusted ; against a government equal only to plans of plunder, conflagration, and murder ; a government by the most impious violations of the rights of religion, justice, humanity, and mankind, courting the vengeance of Heaven and revolting from the protection of Providence.

“Against the fury of these enemies you made successful resistance when single, alone, and friendless, in the days of weakness and infancy, before your hands had been taught to war or your fingers to fight ; and can there be any reason to apprehend that the Divine disposer of human events, after having separated us from the house of bondage, and led us safe through a sea of blood, towards the land of liberty and promise, will leave the work of our political redemption unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of oppression, from whose tyranny He hath mercifully delivered us with a stretched out arm ?

“In close alliance with one of the most powerful nations in Europe, which has generously made our cause her own ; in amity with many others, and enjoying the good will of all, what danger have we to fear from Britain ? Instead of acquiring accessions of territory by conquest, the limits of her empire daily contract ; her fleets no longer rule the ocean, nor are her armies invincible by land. How many of her standards, wrested from the hands of her champions, are among your trophies, and have graced the triumphs of your troops ? And how great is the number of those, who, sent to bind you in fetters, have become your captives, and received their lives from your hands ?

In short, whoever considers that these states are daily increasing in power ; that their armies have become

The crisis of the confederation, 1779-81. Circular letter of the congress to their constituents, Sept. 13th, 1779.

Their former successes omens of hope.

Strength of the U. S. and weakness of Great Britain.

Sources of encouragement.

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The crisis of the confederation, 1779-81. Circular letter of the congress to their constituents, Sept. 13th, 1779.

veteran; that their governments, founded in freedom, are established; that their fertile country and their affectionate ally furnish them with ample supplies; that the Spanish monarch, well prepared for war, with fleets and armies ready for combat, and a treasury overflowing with wealth, has entered the lists against Great Britain; that the other European nations, often insulted by her pride, and alarmed by the strides of her ambition, have left her to her fate; that Ireland, wearied of her oppression, is panting for liberty; and even Scotland displeased and uneasy at her edicts; Whoever considers these things, instead of doubting the issue of the war, will rejoice in the glorious, the sure, and certain prospect of success.

Natural wealth and resources of America equal to the payment of the debt in 20 years.

"This point being established, the next question is, whether the natural wealth, value, and resources, of the country will be equal to the payment of the debt.

"Let us suppose, for the sake of argument, that at the conclusion of the war, the emissions should amount to \$200,000,000; that exclusive of supplies from taxes, which will not be inconsiderable, the loans should amount to \$100,000,000; then the whole national debt of the United States would be \$300,000,000. There are at present 3,000,000 of inhabitants in the thirteen states. Three hundred million of dollars divided among three million of people, would give to each person one hundred dollars; and is there an individual in America unable in the course of eighteen or twenty years to pay it again? Suppose the whole debt assessed, as it ought to be, on the inhabitants in proportion to their respective estates, what would then be the share of the poorer people? Perhaps not ten dollars.

The natural increase of population equal to the payment of the debt in 20 years.

"Besides, as this debt will not be payable immediately, but probably twenty years allotted for it, the number of inhabitants by that time in America will be far more than double their present amount. It is well known that the inhabitants of this country have increased

almost in the ratio of compound interest. By natural population they doubled every twenty years, and how great may be the host of emigrants from other countries cannot be ascertained. We have the highest reason to believe the number will be immense. Suppose that only ten thousand should arrive the first year after the war, what will those ten thousand with their families count in twenty years time? Probably double the number. This observation applies with proportionable force to the emigrants of every successive year.

The crisis of the confederation, 1779-81. Circular letter of the congress to their constituents, Sept. 18th, 1779.

“Thus you see, a great part of your debt will be payable not merely by the present number of inhabitants, but by that number swelled and increased by the natural population of the present inhabitants, by multitudes of emigrants daily arriving from other countries, and by the natural population of those successive emigrants, so that every person’s share of the debt will be constantly diminishing by others coming in to pay a proportion of it.

Decrease in the burden of the debt, from the same causes.

“These are advantages, which none but young countries enjoy. The number of inhabitants in every country in Europe remains nearly the same from one century to another. No country will produce more people than it can subsist, and every country, if free and cultivated, will produce as many as it can maintain. Hence we may form some idea of the future population of these states. Extensive wildernesses, now scarcely known or explored, remain yet to be cultivated, and vast lakes and rivers, whose waters have for ages rolled in silence and obscurity to the ocean, are yet to hear the din of industry, become subservient to commerce, and boast delightful villas, gilded spires, and spacious cities, rising on their banks.

Future growth of the United States.

“Thus much for the number of persons to pay the debt. The next point is their ability. They who enquire how many millions of acres are contained only in the settled part of North America, and how much each acre is worth, will acquire very enlarged and yet

Actual ability of the U. S. to redeem their bills.

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very inadequate ideas of the value of this country. But those who will carry their inquiries further, and learn that we heretofore paid an annual tax to Britain of three millions sterling in the way of trade, and still grew rich; that our commerce was then confined to her; that we were obliged to carry our commodities to her market, and consequently to sell them at her price; that we were compelled to purchase foreign commodities at her stores, and on her terms, and were forbid to establish any manufactories incompatible with her views of gain; that in future the whole world will be open to us, and we shall be at liberty to purchase from those who will sell on the best terms, and to sell to those who will give the best prices; that as the country increases in number of inhabitants and cultivation, the productions of the earth will be proportionably increased, and the riches of the whole proportionably greater: Whoever examines the force of these and similar observations, must smile at the ignorance of those who doubt the ability of the United States to redeem their bills.

Advanta-
ges of pa-
per money.

“Let it also be remembered, that paper money is the only kind of money which cannot ‘make unto itself wings and fly away.’ It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it. On the contrary, should Britain like Nineveh (and for the same reason) yet find mercy, and escape the storm ready to burst upon her, she will find her national debt in a very different situation. Her territory diminished, her people wasted, her commerce ruined, her monopolies gone, she must provide for the discharge of her immense debt by taxes to be paid in specie, in gold or silver perhaps now buried in the mines of Mexico or Peru, or still concealed in the brooks and rivulets of Africa or Indostan.

Inclination
of the U.S.
to pay
their debt.

“Having shown that there is no reason to doubt the ability of the United States to pay their debt, let us

next enquire if as much can be said for their inclination. Under this head three things are to be attended to:

“FIRST. Whether and in what manner the faith of the United States has been pledged for the redemption of their bills?

“SECOND. Whether they have put themselves in a political capacity to redeem them? And,

“THIRD. Whether, admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith?

“FIRST. *It must be evident* to every man who reads the journals of congress, or looks at the face of one of their bills, that congress have pledged the faith of their constituents for the redemption of them. And it must be equally evident, not only that they had authority to do so, but that their constituents have actually ratified their acts, by receiving their bills, passing laws establishing their currency, and punishing those who counterfeited them. So that it may with truth be said that the people have pledged their faith for the redemption of them, not only collectively by their representatives, but individually.

“SECOND. Whether the United States have put themselves in a political capacity to redeem their bills, is a question which calls for more full discussion.

“Our enemies, as well foreign as domestic, have laboured to raise doubts on this head. They argue that the confederation of the states remains yet to be perfected, that the union may be dissolved, congress be abolished, and each state, resuming its delegated powers, proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent state. In such an event, say they, the continental bills of credit, created and supported by the union, would die with it. This position being assumed, they next proceed to assert this event to be probable, and in proof of it urge our divisions, our parties, our separate

The crisis of the confederation, 1779-81.

Circular letter from the congress to their constituents, Sept. 13th, 1779.

The faith of the people pledged for it.

Political capacity of the U. S. to redeem their debt considered.

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The crisis of the confederation, 1779-81. interests, distinct manners, former prejudices, and many other arguments equally plausible, and equally fallacious. Examine this matter.

Circular letter from the congress to their constituents, Sept. 13th, 1779.

“For every purpose essential to the defence of these states in the progress of the present war, and necessary to the attainment of the objects of it, these states now are as fully, legally, and absolutely confederated as it is possible for them to be. Read the credentials of the different delegates who composed the congress in 1774, 1775, and part of 1776. You will find that they establish a union for the express purpose of opposing the oppressions of Britain and obtaining redress of grievances. On the 4th of July, 1776, your representatives in congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did, in the name of the people of the thirteen united colonies, declare them to be free and independent states, and ‘for the support of that declaration, with a firm reliance on the protection of Divine Providence,’ did ‘mutually pledge to each other their lives, their fortunes, and their sacred honor.’ Was ever confederation more formal, more solemn, or explicit? It has been expressly assented to and ratified by every state in the union. Accordingly for the direct support of this declaration, that is, for the support of the independence of these states, armies have been raised, and bills of credit emitted, and loans made to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several states, for expenditures or services for the common benefit, and in this common cause, are among the objects of this confederation; and consequently while all, or any of its objects, remain unattained, it cannot, so far as it may respect such objects, be dissolved, consistently with the laws of God or Man.

The existing league of union full and complete.

The compact of the declaration of independence.

Binds the states to an indissoluble confederacy.

“But we are persuaded, and our enemies will find, that our union is not to end here. They are mistaken

when they suppose us kept together only by a sense of present danger. It is a fact which they only will dispute, that the people of these states were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off and their several manners become blended. A sense of common permanent interest, mutual affection, (having been brethren in affliction,) the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners; the importance, weight, and splendor of the union, all conspire in forming a strong chain of connection, which must forever bind us together. The United Provinces of the Netherlands and the United Cantons of Switzerland became free and independent under circumstances very like ours. Their independence has been long established, and yet their confederacies continue in full vigor. What reason can be assigned why our union should be less lasting? Or why should the people of these states be supposed less wise than the inhabitants of those? You are not uninformed that a plan *for a perpetual confederation* has been prepared, and that twelve of the thirteen states have already acceded to it. But enough has been said to show that for every purpose of the present war, and all things incident to it, there does at present exist a perfect, solemn confederation, and therefore that the states now are, and always will be, in political capacity to redeem their bills, pay their debts, and settle their accounts.

“THIRD. Whether admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a wanton violation of the public faith?

“*It is with great regret and reluctance* that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

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Circular letter from the congress to their constituents, Sept. 13th, 1779.

Harmony and firmness of their present union.

The proposed plan for a perpetual confederation.

Will the U. S. refuse to redeem their bills?

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The crisis
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confedera-
tion,
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letter from
the con-
gress to
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stituents,
Sept. 13,
1779.

Inventions
of the
enemy to
promote
distrust
and dis-
union.

The dele-
gates in
congress.

Odium of
repudia-
tion of the
national
debt.

“The enemy, aware that the strength of America lay in the union of her citizens, and the wisdom and integrity of those to whom they committed the direction of their affairs, *have taken unwearied pains to disunite and alarm the people*, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed in them by their constituents. To this end repeated attempts have been made to draw an absurd and fanciful line of distinction between the congress and the people, and to create an opinion and a belief that their interests and views were different and opposed. Hence the ridiculous tales, the insidious insinuations, and the whimsical suspicions, that have been forged and propagated by disguised emissaries and traitors in the garb of patriots. Hence has proceeded the notable discovery that as the congress made the money they also can destroy it; and that it will exist no longer than they find it convenient to permit it. It is not surprising that, in a free country, where the tongues and pens of such people are and must be licensed, such political heresies should be inculcated and diffused, but it is really astonishing that the mind of a single virtuous citizen in America should be influenced by them.

“*It certainly cannot be necessary* to remind you that your representatives here are chosen from among yourselves; that you are, or ought to be, acquainted with their several characters; that they are sent here to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of those purposes would be null and void.

“*We should pay an ill compliment* to the understanding and honor of every true American, were we to adduce many arguments to show the baseness or bad policy of violating our National Faith, or omitting to pursue the measures necessary to preserve it. A bank-

rupt, faithless Republic would be a novelty in the political world, and appear among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea; her citizens know for what purposes these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession and every man is interested in their being redeemed. They must therefore entertain a high opinion of American credulity, who suppose the people capable of believing, on due reflection, that all America will, against the faith, the honor, and the interest of all America, be ever prevailed upon to countenance, support or permit, so ruinous, so disgraceful a measure. We are convinced that efforts and arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice and the suggestions of chagrin and disappointment, at not being able to bend our necks to their yoke, they will endeavor to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may thenceforth be a reproach and a bye word among the nations. Apprised of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

The crisis of the confederation, 1779-81.

Circular letter from the congress to their constituents, Sept. 13, 1779.

Repudiation impossible.

"If then neither our ability or inclination to discharge the public debt are justly questionable, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations. Had the attention of America to this object been unremitted, had taxes been seasonably imposed and collected, had proper laws been made, had laws been passed and executed for punishing those who maliciously endeavored to injure the public credit; had these and many other things equally necessary been done, and had our currency, notwithstanding all these efforts, declined to its present degree

Past neglect and present duty, point out the remedy.

The crisis of the confederation, 1779-81.

Circular letter from the congress to their constituents, Sept. 13, 1779.

Loans and taxes the only resort for supplies.

Urgency of the crisis.

Vigilance and effort still necessary

of depreciation, our case would indeed have been deplorable. But as these exertions have not been made, we may yet experience the good effects which naturally result from them. Our former negligences therefore, should now animate us with hope and teach us not to despair of removing by vigilance and application the evils which supineness and inattention have produced.

"It has been already observed, that in order to prevent the further natural depreciation of our bills we have resolved to stop the press, and to call upon you for supplies by loans and taxes. You are in capacity to afford them, and are bound by the strongest ties to do it. Leave us not therefore without supplies, nor let in that flood of evils which would follow from such neglect. It would be an event most grateful to our enemies, and depend upon it they will redouble their artifices and industry to compass it. Be therefore upon your guard, and examine well the policy of every measure and the evidence of every report that may be proposed or mentioned to you before you adopt the one or believe the other. Recollect that it is the price of liberty, the peace and the safety of yourselves and posterity, that now is required; that peace, liberty and safety, for the attainment and security of which you have so often and so solemnly declared your readiness to sacrifice your lives and fortunes. The war, though drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us be prepared for every event. Provide therefore for continuing your armies in the field till victory and peace shall send them home, and avoid the reproach of permitting the currency to depreciate in your hands, when by yielding a part to taxes and loans, the whole might have been appreciated and preserved.

"Humanity as well as justice makes this demand upon you, the complaints of ruined widows, and the cries of

fatherless children, whose whole support has been placed in your hands and melted away, have doubtless reached you; take care that they ascend no higher. *Rouse therefore*; strive who shall do most for his country; rekindle that flame of patriotism which, at the mention of disgrace and slavery, blazed throughout America, and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it never be said that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring the splendor of her rising.

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of the
confedera-
tion,
1779-81.

Conclud-
ing appeal.

“By the unanimous order of the congress,

JOHN JAY, *President*.”

“*Philadelphia, September 13, 1779.*” * †

We may well and proudly challenge the production of another such a state paper as this, whether in the annals of European or American diplomacy. The clearness of its argument, the pungency of its logic, the elegance of its diction, the brevity and yet comprehensiveness of its detail; the patriotic and fervid eloquence; the elevated, resolute, and heroic energy; the humanity, justice, and piety, which pervade the whole; give to it characteristics without a parallel in the history of English forensic composition, or classical literature: No wonder that it inspirited the aims, nerved the arms, and united the hearts, of the people of America in the last great struggle for independence: No wonder that it overawed the vindictive fury of British vengeance, appalled the partizans of treachery, animated the hopes of the sons of freedom, and prompted

The circu-
lar letter
of 1779.

* Journals
of con-
gress.

† On the 28th September, 1779, Mr. Jay resigned the Presidency, having accepted the appointment of Minister Plenipotentiary to negotiate a treaty of Amity and Commerce, and of Alliance with Spain; and Mr. Samuel Huntington was elected in his place.

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES

The basis
of the con-
federation,
1779-81.

Character-
istics of the
patriot
statesmen
of the rev-
olution.

Recom-
mendation
of a public
thanks-
giving by
the con-
gress, Oct.
20, 1779.

The proc-
lamation.

them to march forward with full confidence of victory. Well might any people be proud of such counsellors and rulers, and feel that in their hands their liberties and destinies were safe, whatever might be their credentials of power or the forms of their administration: But it is the peculiar greatness and glory of all that wisdom and renown which has hallowed the memories of our revolutionary fathers, that amid the duties and cares of state, and the anxieties and vexations of war, they were never unmindful of the distinctive claims of that religion which originated and conserved those elements of freedom which were "the polished corner-stones" of the confederacy.

On Thursday, October fourteenth, 1779, in the very throng and pressure of these secular labors, we find them *resolving*, "that it will be proper to set apart the second Thursday in December next as a day of general thanksgiving in these United States, and that a committee of four be appointed to prepare a recommendation to the said states for this purpose:" Whereupon *Mr. Root, Mr. Holten, Mr. Muhlenberg, and Mr. Morris* were appointed: They reported a draft on the twentieth of the same month, which was agreed to in congress, as follows:

"WHEREAS *it becomes us* humbly to approach the Throne of Almighty God, with gratitude and praise for the wonders which His goodness has wrought in conducting our forefathers to this western world; for His protection to them and to their posterity amidst difficulties and dangers; for raising us, their children, from deep distress to be numbered among the nations of the earth; and for arming the hands of just and mighty princes in our deliverance; and especially for that He hath been pleased to grant us the enjoyment of health; and so to order the revolving seasons, that the earth hath produced her increase in abundance, blessing the labours of the husbandman, and spreading plenty through the land; that He hath prospered our

arms and those of our ally ; been a shield to our troops in the hour of danger, pointed their swords to victory, and led them in triumph over the bulwarks of their foe ; that He hath gone with those who went out into the wilderness against the savage tribes ; that He hath stayed the hand of the spoiler, and turned back his meditated destruction ; that He hath prospered our commerce, and given success to those who fought the enemy on the face of the deep ; and above all, that He hath diffused the glorious light of the gospel, whereby, through the merits of our gracious Redeemer, we may become the heirs of His eternal glory, therefore

The crisis of the confederation, 1779-81.

Proclamation for a public thanksgiving by the congress, Oct. 20, 1779.

“RESOLVED, *That it be recommended* to the several states, to appoint Thursday, the ninth day of December next, to be a day of public thanksgiving to Almighty God for His mercies ; and of prayer for the continuance of His favor and protection to these United States ; to beseech Him that He would be graciously pleased to influence our public councils, and bless them with wisdom from on high, with unanimity, firmness, and success ; that He would go forth with our hosts and crown our armies with victory ; that He would grant to His church the plentiful effusions of divine grace, and pour out His holy spirit on all ministers of the gospel ; that He would bless and prosper the means of education, and spread the light of Christian knowledge through the remotest corners of the earth ; that He would smile upon the labours of His people and cause the earth to bring forth her fruits in abundance, that we may with gratitude and gladness enjoy them ; that He would take into His holy protection our illustrious ally, give him victory over his enemies, and render him signally great, as the father of his people and the protector of the rights of mankind ; that He would graciously be pleased to turn the hearts of our enemies, and to dispense the blessings of peace to contending nations ; that He would in mercy look down upon us, pardon our sins, and receive us into His favor ; and finally, that He

Recognition of the elements of protestant christianity.

The crisis of the confederation, 1779-81. would establish the independence of these United States, upon the basis of religion and virtue, and support and protect them in the enjoyment of peace, liberty, and safety.

“Done in congress, the twentieth day of October, one thousand seven hundred and seventy-nine, and in the fourth year of the Independence of the United States of America.

“SAMUEL HUNTINGTON, *President.*

“Attest. CHARLES THOMSON, *Secretary.*”

Ratification of the proposed confederation by twelve states deemed insufficient.

I have elsewhere set forth the minor objections which were made by the respective colonies to the ratification of the articles of confederation, and the manner in which they were disposed of by the congress: And although these articles, as originally proposed, had now gone through all the forms supposed necessary to render their ratification binding, on the part of twelve of the states, the congress still doubted the sufficiency of the compact. It was indeed seriously questioned whether the action of *twelve* only of the colonies, or states, in a confederation professing by its very terms to be the compact of thirteen, could be of any binding force either upon those which had, or those which had not, ratified it. Or in other words, whether a ratification in the manner proposed by Virginia and Connecticut, between any number less than the whole thirteen, would

Complications of the proposed confederacy.

not involve a violation of the League of Union under the Declaration of Independence, as well as the treaties of alliance, &c., with France. And then, again, if they refused to unite under the confederation in a perpetual compact, on account of any elements of discord now originating among themselves, would not that weaken the confidence of his Most Christian Majesty, as well as other friendly foreign powers, in the stability of their union? Would it not tend to dissolve existing, and prevent further alliances? These were matters of grave consideration; and the vast interests

involved in their discussion, rendered still more fearful the critical conjuncture to which they were rapidly tending: They disclose the great difficulty in the way of accomplishing an end so desirable as an unanimous adoption of the proposed articles of confederation. That difficulty was, the controversy respecting the boundaries of the several states, or the disposition to be made of the unoccupied lands which were held by the crown at the time of the Declaration of their Independence, commonly called *the Crown Lands*.

The crisis of the confederation, 1779-81.

These boundaries, as we have seen, according to the provisions of the patents under which many of the colonies were established, were limited by "the South Sea," or extended indefinitely towards the western wilderness. The larger states, as Virginia and New York, claimed exclusive right to all such lands within their territorial or charter limits; while the smaller, as in the remonstrance of the states of Maryland and New Jersey, contended, that all such lands, within the limits of whichever of the states, as were unoccupied at the commencement of the war, and belonged to the crown, should be deemed common property, subject to the disposal of congress for the common benefit.

Controversy about the crown lands, hostile to a ratification.

See reports, pp. 711, 712.

The difficulty was now enhanced by the fact, that the state of Virginia was offering lands for sale in a tract called *Indiana*, which was included in a larger tract called *Vandalia*, "beginning at the southerly side of the mouth of little Kenawa Creek where it empties itself into the river Ohio; and running from thence south-east to the Laurel hill, thence along the Laurel hill until it strikes the river Monongahela; thence down the stream of the said river Monongahela, according to the several courses thereof, to the southern boundary line of the province of Pennsylvania; thence westerly along the course of the said province boundary line, as far as the same shall extend; and thence by the same course to the river Ohio; thence down

Public sale of lands by Virginia.

The crisis of the confederation, 1779-81. the said river Ohio, according to the several courses thereof, to the place of beginning."

Remonstrance against the sale of crown lands by Virginia, Sept. 1779. It was contended on the other hand, by certain persons claiming to be proprietors, who memorialized congress, that this tract of land did not belong to Virginia; but that it was, "by order of the king of Great Britain in council, before the declaration of the independence of these United States, separated from the dominion which, in right of the crown, Virginia claimed over it; and therefore the said tract of country cannot remain subject to the jurisdiction of Virginia, or any particular state, but of the whole United States in congress assembled: That said acts of the state of Virginia, directing the sale of the lands in question, were intended to defeat and prevent the interposition of congress; and therefore they prayed congress to interfere and make such order as might be thought proper, to stay Virginia in the sale of the lands in question, till Virginia, as well as the memorialists, can be heard; and the whole rights of the owners of the tract of land called *Vandalia*, of which *Indiana* is a part, shall be ascertained in such manner as may tend to support the sovereignty of the United States, and the just rights of individuals therein."

The lands claimed for the congress.

Appeal to congress by the remonstrants.

Action of congress upon the remonstrance.

Report of the committee of congress, Oct. 29th.

This fearful subject of controversy came before the congress upon this memorial, September fourteenth, and continued to agitate it till October twenty-ninth, when a committee appointed for the purpose, reported, "that they had read over and considered the state of facts given in by the delegates of Virginia, in reply to the memorial, and cannot find any such distinction between the question of the jurisdiction of congress and the merits of the cause, as to recommend any decision upon the first separately from the last. That they recommend to congress the following resolution: That considering the present incomplete state of the confederation, it be recommended to the state of Virginia, and every other state in similar circumstances, to sus-

pend the sale, grant, or settlement, of any land unap-propriated at the time of the Declaration of Independence, until the conclusion of the war.”

The crisis of the confederation, 1779-81.

In pursuance of this recommendation of the committee, after considerable debate, on the thirtieth of October, the congress adopted the following preamble and resolution, viz. :

“*Whereas*, the appropriation of vacant lands by the several states during the continuance of the war, will, in the opinion of congress, be attended with great mischiefs, therefore,

“*Resolved*, That it be earnestly recommended to the state of Virginia, to reconsider their late act of assembly for opening their land office ; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.”†

Resolution upon the report, Oct. 20th, 1779.

In the month of December, of the same year, an appeal was made to the congress on the part of the state of *Pennsylvania*, touching a dispute which had arisen between that state and Virginia, relative to the extent of their boundaries and the ownership of certain unoccupied lands. The controversy between them assumed so hostile a character that congress expressed serious apprehension that it might “probably be productive of serious evils to both states, and tend to lessen their exertions in the common cause.” They accordingly passed a resolution urging them to forego the controversy, and to have ‘things placed in the situation in which they were at the commencement of the present war, without prejudice to the claims of either party.’”†

Controversy between Pennsylvania and Virginia about lands, Dec. 1779.

Resolution of congress upon.

Virginia, in turn, remonstrated against the interference of the congress ; and thus the elements of strife seemed to be spreading and extending their influence, threatening the utter defeat of a union under the proposed articles of confederation. Amid this heated conflict of claims and interests, of opinions and passions, it was impossible to foresee how the contending parties

Virginia remonstrates against the interference of congress. † Journals of congress.

The crisis
of the con-
federation,
1779-81.

could be reconciled, or how any compact could be devised to meet the wants, wishes, and interests of all. Happily, however, in February following, the legislature of the state of New York cast a healing branch into the bitter waters by an act authorizing a surrender to congress, "for the use and benefit of such states as should become members of the Federal Alliance," of a part of the western domain claimed by her. This act was as follows:

Mediatory
act,

"Whereas nothing, under Divine Providence, can more effectually contribute to the tranquillity and safety of the United States of America than a *Federal Alliance*, on such liberal principles as will give satisfaction to its respective members: *And whereas* the articles of confederation and perpetual union, recommended by the honorable congress of the United States of America, have not proved acceptable to all the states; it having been conceived, that a portion of the waste and uncultivated territory, within the limits or claim of certain states, ought to be appropriated as a common fund for the expenses of the war; and the people of this state of New York, being on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the *Federal Alliance*, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment.

"To accelerate the federal alliance," passed by New York, Feb. 19th, 1780.

"*Be it therefore enacted*, by the people of the state of New York, represented in Senate and Assembly, *and it is hereby enacted* by the authority of the same; That it shall and may be lawful, to and for the delegates of this state, in the honorable the congress of the United States of America, or the major part of such of them as shall be assembled in congress, and they the said delegates, or the major part of them so assembled, are hereby fully authorized and empowered, for and on behalf of this state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this

state in the western part thereof, by such line, or lines, and in such manner and form, as they shall judge to be expedient; either with respect to the jurisdiction as well as the right or pre-emption of soil; or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished, with respect only to the right or pre-emption of the soil.

The crisis of the confederation, 1779-81. Her delegates empowered to restrict her boundaries.

“And be it further enacted, by the authority aforesaid, that the territory, which may be ceded or relinquished, by virtue of this act; either with respect to the jurisdiction as well as the right or pre-emption of soil, or the right or pre-emption of soil only; shall be and ensue for the use and benefit of such of the United States, as shall become members of the Federal Alliance of said states, *and for no other use or purpose whatsoever.”*

Purposes of the grant.

“And be it further enacted, by the authority aforesaid, that all the lands to be ceded and relinquished, by virtue of this act, for the benefit of the United States, with respect to property, but which nevertheless shall remain under the jurisdiction of this state, shall be disposed of and appropriated in such manner only, as the congress of the said states shall direct; and that a warrant under the authority of congress, for surveying and laying out any part thereof, shall entitle the party in whose favor it shall issue, to cause the same to be surveyed and laid out, and returned according to the directions of such warrant; and thereupon letters patent under the great seal of this state shall pass to the grantee for the estate specified in said warrant; for which no other fee or reward shall be demanded or received, than such as shall be allowed by congress.

Lands, how to be disposed of.

“Provided always, and be it further enacted, by the authority aforesaid, that the trust reposed, by virtue of this act, shall not be executed by the delegates of this state, unless at least three of the said delegates shall be present in the congress:

Proviso.

“State of New York, ss. I do hereby certify, that the

PART IV.

THE REVOLUTIONARY UNION OF THE COLONIES

The crisis of the confederation, 1779-81. foregoing is a true copy of the original act, passed 19th February, 1780, and lodged in the secretary's office.

ROBERT HARPUR, *Dep. Sec'y of State.*"

This magnanimous act on the part of the state of New York was laid before congress March 7th, 1780, and its provisions formally carried out by the delegates from that state. In September of the same year, the congress made it the basis of an appeal to the other states for a similar cession of their territorial claims. To speak from the record :

Proceedings in congress, upon the mediatory act of New York.

"*September 6th, 1780.*" Congress took into consideration the report of the committee to whom was referred the instructions of the General Assembly of Maryland to their delegates in congress respecting the articles of confederation; and the declaration therein referred to; the act of the legislature of New York on the same subject; and the remonstrance of the General Assembly of Virginia; which report was agreed to, and was in the words following:

Necessity of releasing land claims to promote the confederation.

"*That having duly considered* the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland; or of the remonstrance of the general assembly of Virginia; as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation: That it appears more advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the *Federal Union* on a fixed and per-

manent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence; to the support of our army; to the vigor of our councils and success of our measures; to our tranquillity at home; our reputation abroad; to our very existence as a free, sovereign, and independent people: *That they are fully persuaded*, the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union: That they are confirmed in these expectations by a review of the before mentioned act of the legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the Federal Alliance, by removing, as far as depends on that state, the impediment arising from the western country; and for that purpose to yield up a portion of territorial claim for the general benefit; whereupon,

The crisis of the confederation, 1779-81.

Appeal to the states by congress, Sept. 6th, 1780.

“RESOLVED, *That copies of the several papers* referred to the committee, be transmitted with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states who have claims to the western country, to pass such laws, and give their delegates in congress such powers, as may effectually remove *the only obstacle* to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in congress to subscribe the said articles.”

Resolution urging the states to cede western lands.

Appeal to Maryland.

This resolution was followed, in October of the same year, by another, wherein the congress pledged the faith of the people of the United States that such lands as might be ceded, should be used solely for the general benefit; and to carve out of them new states which should be thereafter included within the general confederacy. This resolution was as follows, viz.:

Further resolution.

“IN CONGRESS, *Tuesday, October 10th, 1780. Re-*

The crisis of the confederation, 1779-81. *solved*, that the unappropriated lands that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of congress of the sixth of September last, shall be disposed of for the common benefit of the United States; and be settled and formed into distinct republican states; which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other states: That each state, which shall be so formed, shall contain a suitable extent of territory; not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: That the necessary and reasonable expenses which any particular state shall have incurred since the commencement of the present war, in subduing any British posts; or in maintaining forts or garrisons within and for the defence, or in acquiring any part, of the territory that may be ceded or relinquished to the United States, shall be reimbursed: That the said lands shall be granted, or settled, at such times, and under such regulations, as shall hereafter be agreed on by the United States, in congress assembled, or any nine or more of them."

Effect of these resolutions.

The appeal and the pledge contained in the foregoing resolutions, were readily responded to, and the example of New York was cordially followed by Virginia, Massachusetts Bay, Connecticut, North and South Carolina, and Georgia; and thus this fearful source of controversy was removed, so far as the Federal Alliance was concerned, and with its removal terminated *the crisis of the confederation*.

Third report by the delegates from Maryland, Feb., 1781.

See p. 712.

The cession by Virginia quieted the apprehensions of Maryland, and on Monday, February twelfth, 1781, the delegates from that state laid before congress a certified copy of an act of their legislature, which was

"An act to empower the delegates of this state in

congress, to subscribe and ratify the articles of confederation.

“WHEREAS, *it hath been said* that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious Ally, are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation; this general assembly, conscious that this state hath, from the commencement of the war, strenuously exerted herself in the common cause; and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this state to continue her exertions to the utmost, *agreeable to the faith pledged in the union*; from an earnest desire to conciliate the affection of the sister states; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his Most Christian Majesty; and to destroy forever any apprehension of our friends, or hope in our enemies, of this state being again *united to Great Britain*:

The articles of confederation in congress, 1781.

Act empowering them to ratify the confederation.

Reasons therefor.

The alternative to be avoided.

“*Be it enacted*, by the General Assembly of Maryland, that the delegates of this state in congress, or any two or three of them, shall be and are hereby empowered and required, on behalf of this state, to subscribe the articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, signed in the General Congress of the said states, by the honorable Henry Laurens, Esq., their then president; and laid before the Legislature of this state to be ratified, if approved.

Delegates empowered to ratify.

“And that the said articles of confederation and perpetual union, so as aforesaid subscribed, shall thence-

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THE REVOLUTIONARY UNION OF THE COLONIES

The arti-
cles of
confedera-
tion in
congress,
1781.
Third re-
port from,
and ratifi-
cation by,
Maryland,
Feb., 1781.
Reserva-
tion.

forth be ratified and become conclusive as to this state, and obligatory thereon. *And it is hereby declared,* that by acceding to the said confederation, this state doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this state, in their declaration which stands entered on the journals of congress: This state relying on the justice of the several states hereafter, as to the land claimed by this state.

Further
qualifica-
tion.

"And it is further declared, that no article in the said confederation can, or ought to, bind this or any other state, to guarantee any exclusive claim of any particular state to the soil of the said back lands, or any such claim of jurisdiction over the said lands, or the inhabitants thereof.

"By the House of Delegates, January 30th, 1781, read and assented to. By order,

F. GREEN, *Clerk.*

"By the Senate, February 2d, 1781, read and assented to. By order,

JAMES MACUBBIN, *Clerk.*

"THO. S. LEE, (L. S.)"

Final rati-
fication of
the con-
federation,
March 1st,
1781.

"IN CONGRESS, *March 1st, 1781.* According to the order of the day, the honorable *John Hanson* and *Daniel Carroll*, two of the delegates for the state of Maryland, in pursuance of the act of the legislature of that state, entitled 'An act to empower the delegates of this state in congress to subscribe and ratify the articles of confederation;' which was read in congress on the 12th of February last, and a copy thereof entered on the minutes; did, in behalf of the said state of Maryland, sign and ratify the said articles; by which act the Confederation of the United States of America was completed, each and every of the thirteen United States, from New Hampshire to Georgia, both included, hav-

See the
Articles,
ante, page
630.

ing adopted and confirmed, and by their delegates in congress, ratified the same.”

I subjoin the names of the delegates by whom the ratification was signed, on behalf of their respective states :

Signatures
to the arti-
cles of
confedera-
tion, 1781.

NEW HAMPSHIRE.

JOSIAH BARTLETT, JOHN WENTWORTH, JR.

MASSACHUSETTS BAY.

JOHN HANCOCK, FRANCIS DANA,
SAMUEL ADAMS, JAMES LOVELL,
ELBRIDGE GERRY, SAMUEL HOLTEN.

RHODE ISLAND, &c.

WILLIAM ELLERY, JOHN COLLINS.
HENRY MARCHANT,

CONNECTICUT.

ROGER SHERMAN, TITUS HOSMER,
SAMUEL HUNTINGTON, ANDREW ADAM.
OLIVER WOLCOTT,

NEW YORK.

JAS. DUANE, WILLIAM DUER,
FRAS. LEWIS, GOUVR. MORRIS.

NEW JERSEY.

JNO. WITHERSPOON, NATHL. SCUDDER.

PENNSYLVANIA.

ROBT. MORRIS, WILLIAM CLINGAN,
DANIEL ROBERDEAU, JOSEPH REED.
JONA. BAYARD SMITH,

DELAWARE.

THOS. McKEANE, NICHOLAS VAN DYKE.¹
JOHN DICKINSON,

MARYLAND.

JOHN HANSON. DANIEL CARROLL.

Signatures
to the arti-
cles of
confedera-
tion, 1781.

VIRGINIA.

RICHARD HENRY LEE,	JNO. HARVIE,
JOHN BANISTER,	FRANCIS LIGHTFOOT LEE.
THOMAS ADAMS,	

NORTH CAROLINA.

JOHN PENN,	JNO. WILLIAMS.
CORNS. HARNETT,	

SOUTH CAROLINA.

HENRY LAURENS,	RICHARD HUTSON,
WM. HENRY DRAYTON,	THOS. HEYWARD, JR.
JNO. MATTHEWS,	

GEORGIA.

JNO. WALTON,	EDWD. LANGWORTHY.
EDWD. TELFAIR,	

Effect of
the ratifi-
cation up-
on the in-
dependen-
cy of the
United
States.

The final ratification of the Articles of Confederation and perpetual union, by the thirteen United States, opened again a new and important era in our governmental history. It gave to their union the sacred and inviolable seal of a perpetual, irrevocable compact. It elevated them in their national character to rank and respectability among the empires of the world. It attracted towards them the consideration, the interest, and the sympathy, of foreign courts and princes, which enabled them with more facility to obtain loans, and negotiate alliances; while it also settled the question of their independency in the councils of Great Britain.

American
independ-
ency in
Great
Britain,
1777-82.

Had the prevailing sentiment of the parent nation, as it existed out of parliament and among the people, been allowed to influence administration, the independency of America would have been acknowledged by Great Britain soon after it was declared by the Colonies, if for no other reason than that the heart of the nation was horrified and sickened by the inhumanity, the barbarity, and the injustice, with which

the war was carried on. We have heard the com-
 plaints of America on this head, and to complete our
 work we turn now to the record as it is written on the
 other side of the Atlantic.

American
 independ-
 ency in
 Great
 Britain,
 1777-82.

The *Duke of Richmond* uttered the popular senti-
 ment, in his place in the House of Lords, in November,
 1777, when he characterized the conduct of the war in
 America by Great Britain, as "shocking beyond de-
 scription to every feeling of a christian or of a man!"
 "When," he continued, "we have heard of the cruelty
 of other civil wars, we used to rejoice not to have the
 age, or the country we lived in, the scene of such
 misery; but to see England, formerly famous for hu-
 manity, coolly suffering the worst of barbarities to be
 exercised on her fellow-subjects, and appearing un-
 touched by the woes she causes, because they are at a
 distance and she does not experience any of them her-
 self, must be truly mortifying to any man who is in
 the smallest degree possessed of national pride.

The Duke
 of Rich-
 mond on
 the con-
 duct of
 the war.
 House of
 Lords,
 Nov., 1777.

"If ever any nation shall deserve to draw down
 upon her the Divine vengeance for her sins, it will be
 this, if she suffers such a horrid war to continue. To
 me, who think we have been originally in the wrong,
 it appears doubly unpardonable. But even supposing
 we were right, it is certainly we who produce the war.
 And I do not think *any consideration of dominion or
 empire sufficient* to warrant the sacrifices to it. The
 best rights may be bought too dear, nor are all means
 justifiable in attaining them. To arm negro slaves
 against their masters; to arm savages, who we know
 will put their prisoners to death in the most cruel tor-
 tures, and literally eat them; is not, in my opinion, a
 fair war against fellow-subjects.

Barbarities
 of the war.

"When we are unfortunately obliged to war with
 other nations, mutual esteem soon takes place between
 the troops, and reciprocal humanity prevails, which
 greatly alleviates the too many miseries of all wars;
 but in the present contest, every mean artifice has

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THE PERMANENT UNION

American
independ-
ency in
Great
Britain,
1777-82.

The Duke
of Rich-
mond on
the con-
duct of
the war.
House of
Lords,
Nov., 1777.

* J. De-
brett's Par-
liamentary
Register,
1777.

The Earl
of Abing-
don on the
alliance
with
France,
March,
1778.

been used to encourage the soldiery to act with asperity, or *alacrity*, as it is now the fashion to call it.

“Instead of taking prudent measures to restrain the military within the closest bounds of discipline; instead of making them sensible, that, as they were to act against their countrymen, every possible means of saving their lives, and sparing their property, should be used, and every degree of compassion shown to men who only erred from mistaken notions, and were still to be considered as subjects of the same king; they have been encouraged, by authority, to look upon their opponents as cowards, traitors, rebels, and everything that is vile; and their property has been, by law, declared lawful plunder. The natural effects have followed. A military thus let loose, or rather *thus set on*, have given vent to that barbarity which degrades human nature; and a total want of discipline and good order is said to prevail.”*

So also when the Colonial and French alliance became known in England, the whole nation was alarmed and cried out for peace with America. The announcement of it in parliament produced among the opposition members, in both houses, the most bitter denunciations of the ministry; and the necessity of abandoning the contest altogether was warmly insisted upon, while the ministerial leaders and their adherents were actually dumb with amazement.

The Earl of Abingdon rose in his place in the House of Lords, and said: “I rise to express my utmost indignation at what I have this day heard from his majesty’s ministers. My lords, his majesty is betrayed, this house is trifled with, the nation is insulted; but I hope, my lords, this house has not lost its resentment, and that Englishmen will no longer bear the treatment they have met with. It is not more than twelve days past, that ministers told us that no treaty was signed between France and America; and that they had every assurance of peace with France. And now, my lords, we

are told by those very ministers, that a treaty is signed between France and America: And, by a message from his majesty, we are called upon to go to war with France. Is this possible, my lords? A war with France! Yes, and with Spain too! Unable to cope with America singly, we are to have a war with France, and with Spain united, as if in our very weakness consisted our strength. This is madness, it is desperation, it is folly! No, my lords, it is neither, *it is wickedness*. This country is sold to France. When suspicious men leave their duty and their office here, and inofficially take journies to Paris, there is something more than suspicion in this. If this country becomes a province of France, as I too much fear it will, that infamous family of the Stuarts may again be seated on the British throne. My lords, there is no other key to open the mystery of these measures, and I am not single in my opinion: The eyes of many see it in the same light, and I could wish it to become the subject of your lordship's attention."

American
Independ-
ency in
Great
Britain,
1777-82.

Debate on
the war,
and the al-
liance with
France.
House of
Lords,
March,
1778.

The Duke of Richmond said—"If we attack France, America is bound in honor to assist her against us; and if we could not conquer America singly, when joined with France there appears to be little hopes of our success; I beg your lordships, therefore, maturely to consider the consequence of a rupture with France on the ground of the treaty. Commencing a war upon such a ground would not only confirm the independency of America, but put an end to all hopes of reconciliation with her on any terms."

The duke
of Rich-
mond.

The Duke of Grafton said—"The crisis is such as justifies the interference of every honest citizen who has any stake to lose. The public are intimately concerned in the event of the present measures. Everything dear to them, as men, or citizens, was committed. The consequence of these measures would decide whether they were to possess their liberties and properties. I would ask the most zealous supporters of the

The duke
of Grafton.

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THE PERMANENT UNION

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war,
House of
Lords,
March,
1778.

The duke
of Rich-
mond
scouts the
idea of
subduing
America,
April,
1778.

Moves an
address to
the crown.

present administration if there is the most distant prospect of any one measure succeeding in their hands? Ministers were indeed honest enough not to pretend it. They have, in this instance, given one proof of their modesty and candor, they are silent. Are you able to conquer or conciliate America? Are you able to defend the several dependencies of the British empire? Are you more than a match for France and Spain in the European seas? Have you one ally on the continent of Europe? The answers to all this, are reducible to a tacit *no*. They virtually reply, no, because they decline to answer."

The Duke of Richmond again rose and said—"The very idea of forcing America back to subjection, and conquering the thirteen provinces, is so absurd that the eyes of all Europe have been provoked to regard the attempt as impossible. To carry on a war at such a distance as America is situated from Britain, to transport an army of forty thousand men across so extensive a sea as the Atlantic, and to suppose it possible to victual that army by sending it provisions from Europe, is considered altogether *a project unparalleled in history*, and so improbable to be successfully practiced, that every nation in the least conversant with the art of war, confesses its admiration of the lunatic scheme. I beg your lordships to consider, that the acts of madmen create admiration as well as the acts of the sensible. It is as natural to wonder that any man should dare attempt what was highly probable to end in his ruin, as it is to be surprised at those bold efforts which nothing but the most solid judgment and the most serious wisdom could dictate. I have joined in the admiration confessed by all the world, and finding (as I have with others supposed) that the attempt to conquer America will fail, I have thought it necessary *to move an inquiry* into the state of the nation, that your lordships might, if it were possible, adopt such measures

as are likely to avert the ruin which threatens the kingdom, on account of the war with America.

The Duke concluded, *by moving an address to the crown*, which address he read to the house, then in committee of the whole on the state of the nation.

The address enters fully into the condition of affairs, and proceeds to say, "from this view of things we are led to conclude, that if the whole force in North America, (which for these last two years has been so greatly superior to what there seems to be any possibility of making it in the course of this year), has made so little impression towards the reduction of the provinces by arms, at a time when they were very deficient in military preparations of all sorts; had neither money, arms, ammunition, magazines, clothing, discipline or government; when the assistance they might receive from foreign nations was far less than it has been since, and is likely to be in future, by the avowed part which France has taken; it is not reasonable to suppose that they may now be reduced by a force, which we cannot make even equal to that which has failed under circumstances in every respect more favorable.

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war,
House of
Lords,
April,
1778.

The duke
of Rich-
mond's
motion for
an address
to the
crown.

"That we conceive this impossibility not to have arisen from the accidents of this war, but to result from the very course of nature; to be the necessary consequence of an attempt to reduce to servitude a numerous people, united in the defence of their liberties, in a distant, extensive, and strong country.

"That we conceive that his majesty, and the parliament, could not have been induced to prosecute so fatal a war, but from the misled information they received of the disposition of the people in America; of their disunion; and of the possibility of reducing them by force of arms, to unconditional submission, and to the acknowledgment of the supreme authority of parliament, before a complaint even of just grievances should be listened to.

"That it was the peculiar duty of his majesty's min-

American independ-
ency in
Great
Britain,
1777-82.

Debate on
the war,
House of
Lords,
April,
1778.

The duke
of Rich-
mond's
motion for
an address
to the
crown.

Advises a
withdrawal
of forces
from
America.

Lord Chat-
ham on
the motion
for an ad-
dress to
the crown.

isters, to procure correct information on matters of such high importance, and to have laid the whole of such information before his majesty, and before parliament, previous to their proposing such steps as have led us into our present calamitous situation.

“That we cannot but lament, that when propositions of a similar nature to those lately proposed and enacted, were three years ago repeatedly offered to parliament, in both houses, his majesty’s ministers, the very men who now have advised greater concessions, did, upon delusive arguments and false representations, prevail on parliament to reject those propositions, at a time when they would probably have been successful, and might have prevented the prodigal, and, we fear, fruitless waste of so much treasure, and the still more to be lamented effusion of so much blood.

“That under these circumstances, we can give his majesty no other advice, than instantly to withdraw his fleets and armies from the thirteen revolted provinces, where they are decaying and wasting, where they subsist with difficulty, cost immense sums of money, can answer no good purpose, particularly at this time, when they are much wanted for our security at home; to effectuate conciliation with the colonies on such terms as may preserve their good-will, on the preservation of which the future greatness of this nation may in a great measure depend.”

The Earl of Chatham, who had been for a long time kept from the national councils by infirmity and sickness, impelled by the importance of the occasion, had come into parliament and was present during this debate, and when this motion was made: William Pitt, the earl of Chatham, was one of the most powerful exponents and eloquent defenders of constitutional freedom that ever adorned the legislative annals of any nation. He was always the friend of America, and early espoused the cause of the colonies as an act of justice to them as well as fidelity to the British consti-

tution: He never tolerated the idea of their inde-
pendency, but he now saw, with evidently deep solici-
tude, everything tending towards that result: He
came forward therefore not as the foe of America, nor
yet as the apologist or defender of ministerial meas-
ures, but in pure, patriotic, love and pride for that great
kingdom, whose greatness had been, in a large meas-
ure, the fruit of his own labors, and had always filled
his ambition and his heart.

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war.
House of
Lords,
April,
1778.

His lordship began by lamenting that his bodily in-
firmities had so long, and especially at so important a
crisis, prevented his attendance on the duties of par-
liament. He declared that he had made an effort
almost beyond the powers of his constitution to come
down to the house on this day, (perhaps the last time
he should ever be able to enter its walls,) to express
the indignation he felt at an idea which he understood
had gone forth, of yielding up the sovereignty of
America!

The Earl
of Chat-
ham on the
motion for
an address
to the
crown.

“My lords,” he continued, “I rejoice that the grave
has not closed upon me; that I am still alive to lift up
my voice against the dismemberment of this ancient
and most noble monarchy! Pressed down as I am by
the hand of infirmity, I am little able to assist my
country in this most perilous conjuncture: But, my
lords, while I have sense and memory, I will never con-
sent to deprive the royal offspring of the house of
Brunswick, the heirs of the princess Sophia, of their
fairest inheritance. Where is the man that will dare
to advise such a measure? My lords, his majesty suc-
ceeded to an empire as great in extent as its reputation
was unsullied: Shall we tarnish the lustre of this na-
tion by an ignominious surrender of its rights and fair-
est possessions? Shall this great kingdom, that has
survived whole and entire the Danish depredations, the
Scottish inroads, and the Norman conquest; that has
stood the threatened invasion of the Spanish Armada,
now fall prostrate before *the House of Bourbon?*”

American
independ-
ency in
Great
Britain,
1775-82.

Surely, my lords, this nation is no longer what it was ! Shall a people that seventeen years ago was the terror of the world, now stoop so low as to tell its ancient inveterate enemy, *take all we have only give us peace ?* It is impossible !

Debate on
the war.
House of
Lords,
April,
1778.

“ I wage war with no man, or set of men. I wish for none of their employments ; nor would I co-operate with men who still persist in unretracted error ; or who instead of acting on a firm, decisive line of conduct, halt between two opinions where there is no middle path. In God’s name, if it is absolutely necessary to declare either for peace or war, and the former cannot be preserved with honor, why is not the latter commenced without hesitation ? I am not, I confess, well informed of the resources of this kingdom ; but I trust it has still sufficient to maintain its just rights, though I know them not. But, my lords, any state is better than despair. Let us at least make one effort : and if we must fall, *let us fall like men !* ”

The Earl
of Chat-
ham on the
motion for
an address
to the
crown.

Here his lordship sat down considerably exhausted. Earl Temple said to him, “ You forgot to mention what we talked of ; shall I get up ? ” Lord Chatham replied, “ no, no, I will do it by and by. ”

The Duke
of Rich-
mond in
reply to
Lord Chat-
ham.

The Duke of Richmond answered the noble earl, and spoke of the absurdity of expecting success in America, and expressed his anxiety to retain the Americans as allies, “ because,” he said, “ if they are not on terms of friendship with us, they must necessarily throw themselves into the arms of France. And if we go to war with France on account of the late treaty, the colonies will look upon themselves as bound in honor to assist her. ”

Lord Chat-
ham rises.
The debate
cut off by
his sudden
illness,
April 7th.

The Earl of Chatham, deeply moved, again endeavored to rise to reply, but after two or three unsuccessful attempts to stand up he fell down on his seat in a swoon, and was immediately assisted by the *Duke of Cumberland*, and the *Earls Temple, Stamford*, and others. He was removed thence into the prince’s cham-

ber, and Dr Brocklesby, who happened to be near, immediately attended upon him. This was his last appearance in parliament; it was his last illness. The house immediately adjourned to the next day, and before the debate on this question ended *the Earl of Chatham was no more!* *

American
independ-
ency in
Great
Britain,
1777-82.

* See J.
Debrett's
Parlia-
mentary
Register,
1778.

This patriotic speech of Lord Chatham, and the solemn and thrilling scene which closed his efforts, produced a powerful impression upon the house, and defeated the motion and address to the crown proposed by the *Duke of Richmond*.

The debate was opened again in connection with the subject of the French Alliance, in the House of Commons, at the next meeting of parliament. His majesty inaugurated the session with a speech from the throne, in which he alluded to the *critical conjuncture* which prompted him to call them together; the extraordinary and unwarrantable interference of France "by the clandestine supply of arms and other aid to the revolted provinces in America; by avowing openly their support, and entering into formal engagements *with the leaders of the rebellion*; and at length, by committing open hostilities and depredations on our faithful subjects in America and the West Indies;" while he also informed them that "the conciliatory measures, planned by the wisdom and temper of parliament" had not terminated the troubles in America.

Debate on
the war.
House of
Commons,
Nov. 1778.

Speech of
the king
on the
opening of
parlia-
ment.

The Hon. Mr. Grenville moved an "address of thanks to his majesty for his most gracious speech from the throne; to acknowledge his majesty's paternal regard for the happiness of his people, in his earnest and uniform endeavors to preserve the public tranquillity," regretting that the measures taken had failed of accomplishing the desired result, and assuring his majesty of "the hearty co-operation and concurrence of his faithful Commons." *Mr. J. Campbell* seconded the motion, saying "that the conduct of America had made rigorous measures necessary and unavoidable, and that

Mr. Gren-
ville's mo-
tion of
thanks to
his ma-
jesty.

Seconded
by Mr. J.
Campbell.

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Debate on
the motion
of thanks
to the
king.
House of
Commons,
Nov. 1778.
Mr. T.
Townshend.

Mr. Fox on
the amend-
ment to
the motion
of thanks.

Favors
withdraw-
ing the
troops. ●

however different opinions may have been respecting America, yet respecting France there could be but one opinion.

Right Hon. T. Townshend said he objected to the words, 'the earnest endeavors to maintain the public tranquillity.' He declared that those who began this war with America were the disturbers of the public tranquillity; and he moved to amend by stating in the proposed address, "that we think it one of our most important duties in the present melancholy posture of affairs, to inquire by what fatal councils, or unhappy system of policy, this country has been reduced from that splendid situation, which in the early part of his majesty's reign made her the envy of all Europe, to such a dangerous state as that which has of late called forth our utmost exertions without any adequate benefit."

Mr. Fox seconded the amendment, and after severely arraigning the conduct and measures of the ministry, exclaimed—"Good God! Sir, are these the hands into which you will trust the fate of your empire? Who can listen to such facts without indignation and contempt of such a ministry? And what man will join in an address to keep ministers in office who are capable of such mismanagement, and such plans of operation for war?"

"You have now two wars before you, of which you must choose one, for both you cannot support: The war against America has been hitherto carried on against her alone, unassisted by any ally whatever: Notwithstanding she stood alone, you have been obliged uniformly to increase your exertions, and to push your efforts in the end to the extent of your power, without being able to bring it to any issue: You have exerted all your force hitherto without effect, and you cannot now divide a force found already inadequate to its object: My opinion is for withdrawing your forces from America entirely, for a defensive war you never can think of there, of any sort: A defensive war

would ruin this nation at any time and in any circumstances: Offensive war is pointed out as proper for this country; our situation points it out; and the spirit of the nation impels us to attack rather than defence: American independency in Great Britain, 1777-82.

Attack France then, for she is your object. The nature of the wars is quite different. The war against America is against your own countrymen; you have estopped me from saying your fellow-subjects. That against France, is against your inveterate enemy and rival. Debate on the war, House of Commons, Nov., 1778. Every blow you strike in America is against yourselves; it is against all idea of reconciliation; and against your own interest, though you should be able, as you never will, to force them to submit. America must be conquered in France, France never can be conquered in America. Mr. Fox on the motion of thanks to his majesty.

“The war of the Americans is a war of passion; it is of such a nature as to be supported by the most powerful virtues, love of liberty and of their country; and at the same time by those passions in the human heart which give courage, strength, and perseverance to man. The spirit of revenge, for the injuries you have done them; retaliation, for the hardships inflicted on them; and of opposition to the unjust powers you would have exercised over them; everything combines to animate them to this war: And such a war is without end; for whatever obstinacy enthusiasm ever inspired man with, you will now find it in America. No matter what gives birth to that enthusiasm, whether the name of religion or of liberty, the effects are the same. It inspires a spirit that is unconquerable, and solicitous to undergo difficulty, danger, and hardship: And as long as there is a man in America, a being formed such as we are, you will have him present himself against you in the field. The war of France is another sort; the war of France is a war of interest; it was her interest that first induced her to engage in it; and it is by that interest that she will measure its continuance. Turn your face at once against her; attack her wherever she is Urges a war with France.

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American
independ-
ency in
Great
Britain,
1777-82. exposed; crush her commerce wherever you can; make her feel heavy and immediate distress throughout the nation; the people will soon cry out to their government."

Debate on
the war,
House of
Commons,
Nov., 1778. *Lord George Gordon* said; "Sir, many compliments cannot in reason be expected from the friends of liberty on this side of the house, to that king under whose government the court of Great Britain has been rendered contemptible in the eyes of France; and the friendship, and commerce, and assistance of America cut off, perhaps forever, from his subjects. Will his Commons congratulate him on his drawn battle at sea? Will they congratulate him on his retreat by land? Will they compliment him on the third year of the independence of the United States? Will they thank him for the honors and emoluments he has heaped upon his favorites during the course of the summer? Particularly on the noble lord with the blue ribband (*Lord North*), the ostensible minister at the dismemberment of the empire? Will gentlemen rejoice and be glad at this fresh proof his majesty has given us in his speech, of his gracious intention to carry on the war in America? Will they declare their readiness to impose more taxes on their constituents? And will they answer to his majesty for the people paying them without a revolt at home?

Burdens of
the war. "I mention the possibility of a revolt at home, because our constituents have borne much already, they have been patient and long-suffering. They have felt a gradual imposition of taxes, till they have become an intolerable oppression. They have seen the revenues of the kingdom lavished in pensions to the most exceptional characters. They have seen their trade with America cut off, and they have had a successful example of their fellow-subjects revolting from the expensive government of England, to the protection of a *wise and virtuous congress*.

"Much has been said, sir, of his majesty's counsellors.

I have opposed them in parliament with great constancy and firmness, and entertain as bad an opinion of their public capacity as any gentleman on this side of the house does. But they are his majesty's chosen servants, whom he has been collecting from the different parties ever since his accession. Men, I presume, after his own heart. They proceeded with the war in the colonies according to his wishes, and America is now nearly lost to Great Britain. Their unhappy misconduct has rendered them contemptible to many of their fellow-subjects; and they have now little to depend on but his majesty's favor and firmness: Yet, Sir, I see no prospect of a real change, for I don't believe his majesty will be guilty of the ingratitude to abandon (at this crisis) his obedient servants, in their distress; and I do not hear, or know, that the people are about to choose a congress, or proclaim a protector.

American independency in Great Britain, 1777-82.

Debate on the war, House of Commons, Nov., 1778.

Lord George Gordon on the motion of thanks to his majesty.

"The times, in my opinion, call aloud for a strong remonstrance to the king, setting forth our unparalleled grievances under his majesty's government. When the people show an inclination to demand redress, I will accompany them with the greatest pleasure; but I will not be seen complimenting, when we should be calling to account."

Sir John Wrottesley asked, "if the house was called upon for unanimity against France? If it was for a war with America, I cannot give my approbation to it. All that could be done, has been done. If fifty thousand Russians were sent, they could do nothing. I would garrison New York, Rhode Island, and Halifax, and bring home the rest of the army."

Sir John Wrottesley on the motion of thanks to his majesty.

The Hon. James Luttrell said; "I will not agree to treat the independency of America as a new consideration; for, I contend, that few men in England doubted that independency, when it was known that France had signed the treaty. We grasped at anything that talked of peace, but all knew the conciliatory terms were offered too late. All feel the mischief is done, and past

The Hon. James Luttrell concedes the independency of America.

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Debate on
the war,
House of
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recalling. As to ministers who lost America, it was then and is now a time for impeachment. As to measures, it ought then and ought now to be the question, whether America is stronger or weaker than when she defeated you? Whether our resources are greater or less? Whether the object contended for is worth the vast price we set upon it? In short, whether to gratify an inhuman revenge upon America we shall suffer the ministers to ruin Great Britain?

"I think that the present ministry, if continued in power, will lead the nation into such immense expense, and blunder the operations of war into so many defeats and disgraces, that France, Spain, and America, may dictate what terms they please to Great Britain, while bankruptcy, mourning, and despair, fill the streets with cries for any peace whatsoever. I shall therefore vote for the amendment."

Mr. Wilkes
urges
peace with
America.

Mr. Wilkes said; "The present conjuncture, sir, must indeed be allowed to be most critical, and peace is not only desirable now, as at all times, but at the present period appears of absolute necessity to save this convulsed state from impending ruin. Thus far, I believe, a real unanimity prevails, but let me proceed. It is asked by several gentlemen, how is peace now to be obtained? Can any man point out a mode of restoring to us that blessing? I will hazard, sir, an opinion, of which my own mind is fully convinced. The measure appears to me the only possible way of salvation to this country in the present dreadful dilemma: A dilemma into which we have been precipitated by ministers whose conduct calls for the strictest inquiry; and the forfeit of whose heads, if the guilt lies at their door, can be but poor amends to a ruined nation. The proposition is indeed most humiliating, but if founded in necessity, the consequent disgrace is solely to be attributed to those who created that necessity. I believe *the acknowledgment of the independency of the revolted colonies* is the only measure which can re-establish the pub-

Proposes
the recog-
nition of
their inde-
pendence.

lie tranquillity. I sincerely think it would, both with America and France; and probably prevent a future Spanish war. It would at this moment perhaps shut the temple of Janus.

American independ-
ency in
Great
Britain,
1777-82.

“From the tyranny and mad conduct of an incapable and wicked administration, it is become the measure of a fatal necessity; if we are in earnest to preserve in any degree of prosperity what remains; if we would save our country from the brink of ruin; if we seek to avoid absolute beggary and bankruptcy. An universal discontent now prevails. The people have no confidence in administration. They are detested by the nation, and therefore continued in power. We sigh over American affairs, and all parties agree in lamenting that so little has been done by our fleets against France, after such an amazing expenditure of the public money on the navy.

Debate on
the war.
House of
Commons,
Nov., 1778.

Mr. Wilkes
on the
motion of
thanks to
his maj-
esty.

“The honorable gentleman, Sir, who moved the address, told us, that the Americans were determined to separate their rights from ours, to dissolve all connections between us. The fact is truly stated. They no longer consider themselves as embarked with us on board the sinking vessel of this state. They avoid us as a tyrannical, unprincipled, rapacious, and ruined nation. Their only fear is, that the luxury and profligacy of this country should gain their people. It was a long patience and forbearance they practiced before the idea of being severed from the mother country gained ground among the Americans. They were driven into it by our injustice and violence. Repeated violations of their rights, accumulated injuries, wanton insults, and cruelties shocking to human nature, have brought about this wonderful revolution.

Thinks in-
dependen-
cy the only
source of
safety.

“Now it appears to me an impossibility to bring back the Americans to any dependence on this kingdom. Their first steps were marked by temper and moderation. They made the most humble and dutiful supplications to the throne, but at last were told that no

Forbear-
ance of the
American
people.

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the war.
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Commons,
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on the
motion of
thanks to
his ma-
jesty.

Firmness
of the
congress
and states.

The
French
alliance.

answer would be given. From that moment their minds were totally alienated. At the beginning of their justifiable resistance they were not in the least terrified *sævi formidine Martis*, when only peaceful inhabitants of the country, or of open towns and villages. Since the declaration of independence, firmness and vigor have governed all the councils of the congress. That declaration was made at a moment which proved them strangers to fear, and in their idea superior to all the efforts of which we were capable. It was in July, 1776, immediately after the safe arrival of the whole fleet of transports, victualers, and store-ships, without any loss or separation; and after his majesty's troops, under the command of General Howe, had been landed upon Staten Island without any opposition or interruption, as we were informed by our own gazette.

"From that fatal era, has the Congress, or any one of the thirteen United States, discovered the faintest wish of returning to the obedience of our sovereign? No man will be bold enough to assert it. On the contrary, the Americans have increased in their hatred of us, and aversion from the yoke of bondage which we were preparing for them, since we have brought into the quarrel the mercenaries of Germany, and the savages of America, since *plunder and cruelty have marked the progress* of the royal army and its allies.

"What is their present situation? A powerful ally has declared in their favor. The French declaration goes much beyond what gentlemen seem to apprehend. It is mentioned here only as acknowledging their independence, whereas the preliminaries announced at Paris on the sixteenth day of December, to the American Commissioners, by Monsieur Gerard, in the name of his Most Christian Majesty, asserted that he would support their independence by every means in his power. After this, are we in earnest when we affirm that there is any probability of their returning to our

obedience, to unconditional submission, or to any sub-American mission? It is an object of belief too gross for the mission independency in fondest credulity, for ignorance made drunk. Great Britain, 1777-82.

"If before the capitulation at Saratoga they rejected all our specious offers, are any offers now likely to be accepted? Or can they be compelled? Will another British army ever attempt to march from Montreal to Albany? Will the batteries on Sullivan's Island be again attacked? Will Sir Peter Parker ever again judge it advisable to make an attempt upon Charles Town, South Carolina? Will he promise that, if the troops can co-operate in the attack, his majesty will again be in possession of Sullivan's Island? Will any English general command in America an army better disciplined, better appointed, than Sir William Howe's? A series of four years of defeats and disgraces are surely sufficient to convince us of the absolute impossibility of conquering America by force, and I fear the gentle means of persuasion have equally failed. We have therefore only the *dernier resort* of parting with our old friends, who can no longer be compelled or persuaded to stay. Policy surely warns us not to do it in a manner to force them into the schemes of our ancient enemies to weaken, perhaps ruin, the mother country. To me it appears equally unavailing and indecent to bring a railing accusation against the old foe of this kingdom, to talk of 'the malignant designs of France.' The conduct of our ministers, Sir, has affected the separation of America. She never will return, nor are you equal to coercive measures."

Debate on the war. House of Commons, Nov., 1778.

Mr. Wilkes on the motion of thanks to his majesty.

Separation unavoidable.

The debate was continued by *Lord North* and others, in defence of Administration, and was closed by *Mr. T. Townshend* in a short reply, in which he attempted to answer the several objections made to his motion. The house now grew clamorous for the question, which being put at half after two o'clock in the morning, the house divided, and the amendment was lost: *For the amendment*, 107; *against it*, 226.* The motion of thanks as originally made, was passed.

Question taken on the motion of thanks.

* J. Debrett's Parliamentary Register, Vol. 44.

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independ-
ency in
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Effect of
the Earl of
Chatham's
opposition
to Ameri-
can inde-
pendency.

The minis-
try and the
federal al-
liance in
America.

Although he did not defend or justify the conduct or measures of administration, yet the fact that the last great public effort of the late *Earl of Chatham* was made in opposition to the independency of America, added greatly to the strength of the ministerial party in parliament. This, and the argument drawn from the delay which attended the ratification of the articles of confederation, proposed by the congress to the colonies, still secured to ministry the confidence of the king. To prevent the federal alliance, therefore, as I have already had occasion to observe, was now the main hope and the chief aim of the ministry. It was a plausible scheme, and well devised to soothe the ear of majesty, as well as to captivate the popular hope. For if the union of the colonies were once dissolved, the alliance with France was broken up, and the triumph of the crown over both would be certain. Hence it was, that every step in the progress of the confederation was watched with peculiar solicitude; every artifice was resorted to by emissaries, hirelings, and pensioned agents of the ministry in America, to defeat its adoption by the provincial legislatures, and its ratification by their delegates in the congress.

Its consideration here had already been so protracted and various that the permanency of the union itself seemed to be more in doubt than the issue of the war: And although the reverses sustained by the royal army, before the combined forces of France and America, favored the cause of our independency with the people and Commons in England, the ministry still clung to the persuasion that the states would never combine under the proposed federal alliance.

But the articles of confederation having been fully ratified, and their permanent union being now accomplished, there was nothing of hope from this source. It was thenceforth clearly and distinctly understood, that the result of the controversy depended entirely on the success of arms.

I have already noted the growing sentiment of hostility in both houses of parliament to the further prosecution of the war in America: It continued to increase from year to year till it reached a culminating point in 1781, when it came into parliament with a larger opposition to, and a more general and severe denunciation of, the ministry. On the twenty-seventh day of November in this year, the king opened the session with an address, in which he took occasion to say—"No endeavors have been wanting on my part, to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies; and to restore to my deluded subjects in America, that happy and prosperous condition which they formerly derived from a due obedience to the laws; but the late misfortune* in that quarter, calls loudly for your firm concurrence and assistance to frustrate the designs of our enemies, equally prejudicial to the real interests of America and to those of Great Britain."

American
independ-
ency in
Great
Britain,
1777-82.

Opening of
parlia-
ment. Nov.
session,
1781.

The King's
address.

* Defeat of
the royal
army in
America.
See p. 779.

Lord Southampton, as soon as the king was gone, rose and made a few brief remarks, and concluded them by moving, "that an humble address, &c., be made to his majesty"; which was seconded by *Lord Walsingham*, who entered pretty fully into the state of the country, and justified the measures which led to it, somewhat in detail. He was answered by *Lord Wycomb, Earl of Shelburne*, who began by saying:

"*I am not surprised* by the opinions and sentiments expressed by the two noble lords who have moved and seconded the motion for an address; nor am I surprised at the language we have this day listened to from the throne. I can easily account for a prince, possessed of a valorous and generous mind, gathering firmness from misfortune, and assuming an air of dignity and determination in the moment when calamity pressed hard upon him and his people. I can easily account to myself, why his majesty, who had seen his empire at its acme, at a pitch of glory and splendor perfectly aston-

The Earl
of Shel-
burne on
the motion
for an
address to
the king.

PART IV.

THE PERMANENT UNION

American
independ-
ency in
Great
Britain.
1777-82.

Debate on
the war.
House of
Lords,
Nov. ses-
sion, 1781.

The Earl
of Shel-
burne on
the motion
for an
address to
the king.

Prosecu-
tion of the
war impos-
sible.

Forlorn
condition
of Eng-
land.

Com-
mence-
ment of
the war.

ishing and dazzling, tumbled down to disgrace and ruin, with a degree of precipitation which no previous history could parallel, should rise in greatness of mind superior to the dreadful situation of his affairs. As little am I surprised that ministers should take advantage of the noble sentiments of their monarch, and contrive and fabricate such a speech as should best suit to flatter his personal feelings. But it is to be remembered that those ministers had never governed long for the people's advantage in any country, who had not fortitude enough to resist and withstand the mere impulse of their master's sentiments, when the real state of the empire called for a plain, sincere, undisguised representation of its condition; and honestly tell him what really was or was not advisable, or likely to retrieve his affairs, and bring them back again in some tolerable degree to the happy and prosperous condition in which they so lately stood.

"The speech and the address talk of prosecuting the war; how is it possible? Where are the resources? With regard to men and money, to say nothing of the conduct of the admiralty, and of the army and navy, where are they to be had? With regard to allies, where are we to look for them? There is one power indeed in Europe, the amiableness and greatness of character of whose sovereign, as well as his immense resources, added to his great predilection for this country, pointed him out as the only power that could interfere to our advantage, but to my certain knowledge the prince to whom I allude, regards the present war as a mad and desperate war for Great Britain to have undertaken and engaged in.

"This ill-fated war commenced in 1775: No money was borrowed that year because ministers were fearful of alarming parliament and the nation with the prospect of any additional expense. Blows began, and the fields of Lexington and Bunker's hill were the first wit-

nesses to the deplorable sight of Englishmen and fellow-subjects shedding each other's blood.

"The campaign of 1776, commenced with the evacuation of Boston, and terminated with the affair at Trenton. That year we borrowed two millions.

"That of 1777 was distinguished chiefly by the capture of Philadelphia, and defeating the Americans in two pitched battles; but how was it wound up? By the capture, or loss, of five thousand of our finest veteran troops, commanded by General Burgoyne. That year we borrowed five millions.

"The campaign of 1778, opened a new scene in Europe and America. France declared against us. America was, by that means, forever separated from the parent state. Philadelphia and Rhode Island were abandoned or evacuated: And the debt incurred that year was seven millions.

"The campaign of 1779, in America, was various, and rather successful, but exhibited nothing decisive. We gained ground in the southern provinces, but were unequal to the making any attempt in the northern or middle colonies, where only the resistance was or could be formidable. This year produced another powerful enemy in Spain, who declared against us; and this year we borrowed ten millions.

"The campaign of 1780, was ushered in with the capture of Charles-Town, and was followed by some signal advantages gained in the interior country; but it ended unfavorably, with the total loss of a very valuable corps under Colonel Ferguson; and that year we borrowed twelve millions.

"It would be taking up too much of your lordships' time to particularize the transactions of the year 1781. It is sufficient to observe, that the campaigns ended with the capture of seven thousand of the best veteran troops in Europe and their gallant commander, and that we have scarcely a foot of ground in America which we can with confidence call our own: And that,

American
independ-
ency in
Great
Britain,
1777-82.
The cam-
paign of
1776.
Of 1777.

The cam-
paign of
1778.

The cam-
paign of
1779.

The cam-
paign of
1780.

The cam-
paign of
1781.

See p. 782.

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war.
House of
Lords,
Nov. ses-
sion, 1781.

The Earl
of Shel-
burne's
amend-
ment.

The Duke
of Rich-
mond on
the amend-
ment and
motion
for an
address.

Advises a
change of
system.

Proposes a
defensive
war, and
to with-
draw the
troops
from
America.

this year, as the last, we added twelve millions more to the national debt.

“The question of continuing the American war, my lords, is a most weighty one, and a question which ought not, by any means, to be hastily decided upon: In order, therefore, to give due time for considering it with proper attention, I have drawn up a motion which I will read.—“To leave out all the address, after the second paragraph, and insert these words; ‘And we will, without delay, apply ourselves with united hearts, to propose and digest such councils, to be laid at his royal feet, as may excite the efforts, point the arms, and command the confidence, of all his subjects.’

The Duke of Richmond said, “I agree in almost every argument and position of my noble friend. I applaud the proposition of the noble Earl. It is our duty to suggest salutary advice to the crown, and to stand up as assertors of the rights of the people: But I think there is little prospect of giving that advice with any effect, unless the original principles of the constitution are restored, and particularly the people have a real representation in the other house of parliament: *At present* scarcely a seventh part of the people are represented, while all the remainder have no concern whatever, either virtually or individually, in the management of their own affairs, which your lordships well know the constitution of this country, as originally framed, gave them a right to have. My wish would be to change the system of the war; to carry it on defensively and not offensively. The great error has been, that we have acted upon the offensive without the power to do so with any effect. By changing it to a defensive war we might recover, and by and by be able to act on the offensive: And by a defensive war I mean to advise *a war by sea*, to strengthen our navy, the natural security of the kingdom, and to lessen the army. I advise the withdrawing of the troops from America, and strengthening the West India Islands. If the Ameri-

cans are left to themselves, there is the greatest probability that a reconciliation might, in time, be effected. American independency in Great Britain, 1777-82.
 •By prosecuting the war we only increase their animosity against us, and rivet the bonds of their alliance with the French more strongly.

The Earl of Abingdon said; “The American war was conceived in folly, tyranny, servility and corruption, and must terminate in national ruin and disgrace. The Americans are Englishmen, and are of course entitled to participate in all the rights of Englishmen, the dearest and most valuable of which is, that of disposing of their own money. That unquestionable claim is expressly denied, or it is attempted to be explained away, by all the bar subtleties and trammelled abilities of Westminster Hall in both houses. The Earl of Abingdon on the motion for an address.

“On the other hand, if the political connection is denied, if they are to be regarded as slaves, not subjects, surely they are men entitled to all the rights and privileges of human nature. Upon this principle the people of America resisted. They legislated when they found themselves deprived of the rights of citizens, and in so doing they acted with equal wisdom and resolution; and are, in my opinion, so far as regards justice and prudence, founded originally in necessity, a distinct and independent state, and as much so as any other in Europe or elsewhere.” The war and taxation.

The Duke of Grafton said; “The original blunder, and the source of all our subsequent misfortunes, arose merely from the obstinacy of administration towards the conclusion of the year 1775. Though two warm encounters had taken place in New England, nothing more had been contended for by the people of America than an exclusive right to tax themselves. The people are, in other respects, firmly attached by sentiment and interest to the British government. Mr. Penn, who had lately presided as governor of Pennsylvania, was called to this bar,* and underwent a very long examination, the result of which was, that the people of He concedes their independency.

The Duke of Grafton on the motion for an address.

Taxation the origin of the war.

* See ante, page 603.

American independ-
ency in
Great
Britain,
session,
1777.
Debate on
the war,
house of
lords, Nov.
session,
1781.

America, from one end to the other, as far as he could learn—and he had his information from the congress delegates at the time assembled at Philadelphia, where, he was actually informed by his own knowledge,—‘that ninety thousand and a fraction out of an hundred were eager to settle matters amicably with Great Britain, *provided they had full satisfaction on the point of taxation*. Indeed, he might add, that he never heard of but two in all America who entertained a different opinion, and one of those was a madman, and the other an idiot.’

The Duke
of Grafton
on the mo-
tion for an
address.

Urges a
change of
ministry.

“Ministers treated this important information with disregard, and proceeded to the enacting proscriptive and prohibitory laws; which gave us the American vote of independence the following August, and a treaty with France in about eighteen months after. In my opinion, no measures, however well conceived or digested, could succeed in the hands of the present ministers. Men must be changed as well as measures.”

Amend-
ment lost,
original
motion
carried,
Nov. 27th.

Dissenti-
ents and
their rea-
sons.

The question on the amendment being put, was lost, and the vote on the original motion for the address being taken, it was carried. The Earls *Richmond*, *Fitzwilliam* and *Rockingham*, “*Dissentient*—For reasons too often urged in vain for these last seven years, against the ruinous prosecution of the American war, carrying on by his majesty’s ministers against the people of North America; and too fatally confirmed by repeated experience, and the late disgraceful loss of a second army; to stand in need of repetition.”

Defeat of
Cornwallis’
army.

The defeat of the British army under Earl Cornwallis, commander-in-chief of the royal forces in America, and the capitulation* which followed it, terminated the prosecution of the war, brought about the defeat of the ministry, and settled the question of the recognition of the independence of the United States of America, in the councils of Great Britain. This result was foreshadowed in the proceedings in the House

*Oct. 19th,
1781.

of Lords, in the session of Nov., 1781, to which I have already sufficiently adverted. The subject was partially debated early in February, of the next year, on a motion made by *the Duke of Chandos*, "That a committee of the whole House be appointed on Monday next, to inquire into the causes of the calamitous loss of the army commanded by Lieutenant General Earl Cornwallis, and made prisoners, by the United States of America and the troops of France, at York-Town and Gloucester, in the province of Pennsylvania."

American independency in Great Britain, 1777-82. Debate on the defeat of Lord Cornwallis, House of Lords, Feb. 1782.

In rising to make this motion, *the Duke* said, "He did not mean to embarrass ministers, collectively or individually. He had no ill-will to any one of them in his private capacity; nor in his public capacity was he farther interested in his or their removal, than as he imagined the public were interested, or might be benefitted by the same. *As to the matter of inquiry*," he continued, "the sovereign parliament, and the nation at large, are entitled to be satisfied, as well upon the general principles of the failure of the war, as the disastrous accidents which had happened. The capture of two British armies, of considerable strength and number, is a circumstance, I believe, unknown to have taken place during the course of any one war in the modern annals of mankind; but I mean to confine myself at present merely to the disaster at York-Town."

Motion of inquiry by the Duke of Chandos.

Lord Starmont, reserving any expression on the merits of the motion, objected to it in its present form, saying, "if it was pressed in that form he would, as fully declarative of his dissent, take the sense of the house upon it. It would, in his apprehension, amount to a recognition of American independence; he meant the concluding words, which stated, that 'Lord Cornwallis and his army had surrendered to the United States of America.'

Lord Starmont objects to the form of the motion.

The Duke of Chandos, explained by stating, "It was not an assertion of any right of independency, or any other right that he knew of; for the whole of the mo-

The Duke of Chandos in reply.

American independency in Great Britain, 1777-82.

Debate on the defeat of Lord Cornwallis. House of Lords, Feb. 1782.

The Duke of Grafton on the motion of inquiry.

Suggests an alteration of the form.

Earl Gowers objects to the form.

Earl Shelburne is opposed to independency.

tion except the mere form, was no more than a correct transcript from one of the articles signed between Lord Cornwallis, as commander-in-chief of the British forces, and General Washington, commander of 'the United States of America.' "

The Duke of Grafton said, as there appeared some disposition in those who represented government in that house, not to oppose the inquiry, he wished that the motion might be amended; and if it did not go to defeat the object of the noble Duke's proposition, he made no doubt but his grace would agree to amend it so as to remove the objectional part. He agreed, that stating a fact copied from the articles of capitulation at York-Town, would not amount to a recognition of the right of the independency of America; but still he thought it better to meet the noble Viscount half way, than to stand out for what appeared to him little more than a mere matter of form. He was not prepared to move anything regularly, but, under favor of the noble duke, he would just beg leave to suggest the introduction of two words, *styling themselves* the United States of America, &c.'

Earl Gowers, seemed to agree in a great measure with the noble duke who spoke last, and though he thought such a narrative amounted to nothing positive, he thought it would be extremely improper that that, or the other house of parliament, should, by a solemn act, recognize, in any form, the United States of America. He wished, therefore, as both sides of the house seemed rather favorably disposed towards the inquiry, that the motion might be framed in such a manner as to put an end to a controversy upon the mere point of form.

Earl Shelburne said, he would go as far as any man to conciliate the noble *Viscount* and the noble *Duke*, but he must confess, how much soever he approved of what had fallen from the noble Earl who spoke last, he could not see the matter in the same point of view. He never could consent, under any possible circum-

stances, to acknowledge the independency of America. But, for his part, as he wished to give his opinion without reserve, he could not for his soul discover how such a motion, as it would stand if amended by his noble friend who sat near him, had the most distant tendency to recognize or establish the presumed independent claim of America, under the description of the United States.

American independency in Great Britain, 1777-82. Debate on the defeat of Lord Cornwallis, House of Lords, Feb., 1782.

Lord Starmont said, that whatever opinion might be entertained of the motion offered by the noble *Duke*; or taking it upon the idea of the amendment suggested by another noble *Duke* (*Grafton*;) he was clearly of opinion that the amendment would not remove the difficulty. In that he perfectly agreed with a noble Earl (*Gower*) who rose early, that it would be extremely improper to adopt the language of those styling themselves 'the United States of America,' in a British house of parliament.

Lord Starmont thinks the form of the motion improper, any how.

The Duke of Richmond said, "the words United States of America struck him as essentially necessary to the motion. A great part of the inquiry might possibly be directed solely to that point, and the surrendering to the arms of the United States of America might turn out to be the chief matter of blame.

The Duke of Richmond thinks otherwise.

"But the noble Lord in the green ribband (*Viscount Starmont*) went farther, and said, 'were the words United States of America to stand on the journals, it would be giving up the essential rights of the nation.' If any essential rights were given up, they were given up already. Lord Cornwallis and the other British officers who had signed the capitulation, had done it. That matter, therefore, and all idea of the recognition of the independence of America, is now past consideration."

Thinks independency already conceded.

The motion was finally amended to read as follows: "That this house will on Monday next (the 11th) resolve itself into a committee of the whole house, to inquire into the causes of the calamitous loss of the

The form amended, and the motion adopted.

PART IV.

THE PERMANENT UNION

American army under Lieutenant General Earl Cornwallis, by independ- being made prisoners of war at York-Town and Great ence in Gloucester, in the province of Virginia." It was Britain, 1777-82. agreed to in this form.

Debate on the War. House of Commons, Feb., 1782. The inquiry which was instituted in pursuance of this resolution resulted in the exculpation of the commanders of the royal army in America, and the utter condemnation of the ministerial advisers of the crown, in both houses of parliament. In the House of Commons, on the twenty-second day of February, 1782, *General Conway* rose and said, "that words which had fallen from him some time ago had been the means of inducing gentlemen to request him to move the question which they all considered to be essentially necessary in the present moment; when they saw, notwithstanding all the assurances which the nation had received, that measures were apparently taking for the further prosecution of the American War. At this day it would be idle and impertinent in him to try to interest the passions of the house, by a description of this unhappy and miserable struggle. Its progress had been marked in the best blood of the empire. It was to be traced by havock and desolation; by the ravaging of towns and the murder of families; by outrages in every corner of America; and by ruin at home. It came home to the feelings of every individual in the house, and he doubted not but they had so much of it as to wish sincerely for that thing which could alone put a stop to further calamities, called peace. In the present moment, when there were certain indications of a design to continue that war; when a new general* was appointed; and when, as he had been credibly informed, there were preparations making for the next active, offensive campaign; at that moment he thought it necessary to ask, what was the design of government, not with regard to particular operations, but as to the general system? Were we to go on in the same man-

General Conway urges its discontinuance.

Character and conduct of the war

The necessity of peace

* Sir Guy Carlton.

ner as we had begun, and continued so long, in the obstinate rejection of all advice which we could derive either from experience or disaster? The desire of our gracious and well-inclined sovereign must be for peace. He had expressed it in his speech from the throne; and it would therefore, he thought, in the present moment, become that house to approach the throne with an humble, earnest, and dutiful solicitation, that he would be graciously pleased to follow the benevolent wishes which he had expressed, to put an end to that calamitous war with our fellow-brethren in America. He concluded with *moving*,

“That an humble address be presented to his majesty, earnestly imploring his majesty, that, taking into his royal consideration the many and great calamities which have attended the present unfortunate war, and the heavy burthens thereby brought on his loyal and affectionate people; he will be pleased graciously to listen to the humble prayer and advice of his faithful Commons; that the war on the continent of North America may no longer be pursued for the impracticable purpose of reducing the inhabitants of that country to obedience by force: And expressing their hope that the earnest desire and diligent exertion to restore the public tranquillity, of which we have received his majesty’s gracious assurances, may, by a happy reconciliation with the revolted colonies, be forwarded and made effectual; to which great end his majesty’s faithful Commons will be ready most cheerfully to give their utmost assistance.”

Lord John Cavendish seconded the motion, and, in a very warm appeal to the honest and upright feelings of gentlemen, “begged and conjured them to take up this matter with seriousness now, which, sooner or later, they must take up. The present motion, he contended, was regular and parliamentary; for though they might not presume to advise his majesty what form of war to pursue, they might surely say what

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war,
House of
Commons,
Feb., 1782.

Gen. Con-
way moves
an address
to the
crown to
discontin-
ue the war.

Lord Cav-
endish sec-
onds the
motion.

American independence in Great Britain, 1777-82. ought not to be pursued. The war with America not having originated in laudable ambition, or in just policy, had been conducted without the dignity that became the British nation. Narrow, low, and selfish in its principle, the conduct of it had been mean, miserable, and defective. It was begun and carried on in pique, disgust, rancour, and narrowness. These low passions had been fed by disappointment. Calamity, instead of making us wise, which was its common effect, had made us foolish. But we ought to consider that sooner or later we must come to peace. We were already poorer by seventy millions, than at the outset. If, then, peace must at last be sought for, the sooner surely the better; for the old prejudices and predilections of the Americans towards us might not even yet be worn away from the bosom. Their trade might yet revert to its old channel. But if the period was delayed, they would find new tracks, where they must form new affections and new habits, to the extinction of the last sparks of kindness that remained in the bosom.

Debate on the war, House of Commons, Feb., 1782.

Origin, character, and conduct of the war, stated by Lord Cavendish.

Mr. Secretary Ellis on the motion to discontinue the war.

*Mr. Secretary Ellis** asked the indulgence of the house, saying, that "although a very old member of parliament, he certainly was a very young minister. As to the American war, it had always been his firm opinion that it was just in its origin; nor could the events that had since occurred make him change that opinion. But he never entertained an idea, nor did he believe that any man in that house ever imagined, that America was to be reduced to obedience by force. If his sentiments were not now the same as they ever had been respecting the practicability of the war, he did not feel himself so much under the influence of unmanly shame, as to be afraid to confess that a revolution had taken place in his mind. He was free to confess, that he was not now so sanguine in his hopes of success as he had been some time ago. Nor did he think that the concession disgraced him; for he held

* Recently appointed for American affairs.

it to be the duty of a statesman to conform to the circumstances of the times, and not blindly and obstinately adhere to opinions, merely because he had once entertained and supported them.

American
independ-
ency in
Great
Britain,
1778-82.

“He could endure war only as the means of procuring a lasting and safe peace. It was on this principle alone that war could be justified; and being governed as he was by that principle, it was impossible that he could be an advocate for protracting the war one day beyond that time when a permanent and honorable peace may be established.

Debate on
the war.
House of
Commons,
Feb. 1782.

“But gentlemen did not seem so anxious for peace in general, as to put an end to the American war. Seeing things in the light in which he saw them, and having the grounds which he had for forming his judgment, he could not call the war in America the American war, its true name was the French war: For if he was not greatly mistaken, and he believed he spoke from very good authority, the army under General Washington in general, and the whole of the American continental army, *was fed, clothed, and paid, by France*: So that it was France, not the congress, that was fighting in America: It was not mere locality that gave name to a war; and therefore, from what he knew, he held himself to be authorized in calling the war in America, *a French war*.* Now if France might be fought in other countries as well as in France, if she was fought last year in Germany, he could not see any solid objection against fighting her this war in America.” After a few remarks further on the wording of the motion, *Mr. Ellis* concluded by saying, “he had thought it his duty to say thus much *by way of confession of faith* in his new situation, and to gratify the curiosity of the house.”

Mr. Secre-
tary Ellis
on the mo-
tion for a
discontin-
uance of
the war.

* This was
the last
and fatal
“dodge”
of the
ministry.

Mr. Burke rose next, and made an admirable commentary on the speech of the American secretary, *Mr. Ellis*. “A confession of faith,” he said “more obscure, and more confused, more intricate and more absurd,

Sir Ed-
mund
Burke on
the mo-
tion.

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independ-
ency in
Great
Britain,
1777-82.

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the war.
House of
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Feb. 1782.

Sir Ed-
mund
Burke on
the motion
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contin-
uance of
the war.

perhaps, was never published for the delusion and calamity of mankind: Like confessions of faith of the same unintelligible nature it could only be supported by miracles: For what has this new minister said? What satisfaction has he given to this house, and for what had the new arrangement in office been made, to which the nation had looked with expectation, and considered as the date of a new system, founded on conviction of past errors, in which this fatal and ruinous war was to be given up? Not one thing which had not been said a hundred times by the last American secretary, and which had been said for the delusion of the house five years ago: The American war was to be continued; the same system was to prevail; the kingdom was again to be drained of men to support it; and more millions were to be lavished and lost in the pursuit of it; for to all this expressly did *the confession of faith* of the new minister go. It might have been expected at least, that when a new minister was appointed, at least a new language would have been held, if not a new system adopted; but even in this we are not gratified: Not one new idea, not one new sentence, not one new word; but the self-same, old, hack-nied, stale, and common language as ever. Yes! there was one new idea started, and he begged gentlemen to attend to it. This hopeful contest, though it was to be continued, was no more to be considered *as an American war*. Its locality was nothing; its being carried on in the colonies was nothing; it was now converted into *a French war*; this was the only thing in which there was either novelty or change. And from the new arrangement in office this was all that had been produced. A new arrangement had been made that a peerage might be conferred upon a man who dismembered his country, that the American war might be converted into a French war, and that an old man might be changed into a new minister. He defied all the world to find another benefit from this alteration.

“The American war was to be considered as a French war; and we were to go on persecuting the Americans, not for the purpose of reducing the Americans to obedience by force, but for the purpose of reducing the French. What was the absurdity, or rather what was the wickedness of this idea? In the beginning of the present session the effect which the loss of Earl Cornwallis’ army produced, forced the ministers to give assurances to the house that they must contract the scale of the war, and that it would be conducted in future on a very different plan from what it had been: Here was the execution of this ministerial assurance. We will not prosecute the American war; we will drop that entirely; we have no further intention of reducing the Americans to obedience by force; but—but—here is the fine ministerial distinction, and the new plan of delusion, but we must prosecute the *French war which now rages in the fields of America*. Did not gentlemen perceive at what they aimed by this new argument? Under this new name of a French war, the American contest was to be persevered in, and from this new minister we were to receive exactly the old system.

American
independ-
ency in
Great
Britain,
1777-82.

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the war.
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Commons,
Feb. 1782.

Sir Ed-
mund
Burke on
the motion
for a dis-
contin-
uance of
the war.

“But, say the gentlemen, our friends in America have done us all this mischief. Every calamity of the war has arisen from our friends; and if such are to be our friends I hope to God that we may hear of them no more. When exhausted and famished had our friends assisted us? Had they brought us a single bullock, a single bushel of Indian corn? Had they assisted us in any one shape or way? No, they had drawn us in the north to Saratoga, and in the south to York-Town. What does the honorable gentleman mean by holding out the delusion of more friends? Did he recollect, or did he think of, the tenth article of the last capitulation? Or did he mean to make another tenth article for the purpose of giving up what few friends we might still have left?

American
independ-
ency in
Great
Britain,
1777-82.

Debate on
the war.
House of
Commons,
Feb. 1772.

“The right honorable gentleman also has hopes of success. After all our calamities; after having found by experience that when we had only America to oppose, we were unequal to the reduction; now that we had fresh accessions of enemies; nay, that we had the most powerful in the universe to oppose; he *has reason to entertain hopes!* Miserable hopes! What has the American war produced? What but peerages and calamities? What but insults and titles? Was there anything to give hope? O yes, we must not only have hope, but confidence in ministers. Confidence! could we have confidence in the men who still determined to prosecute this mad and impolitic war? It is impossible.”

Lord Shef-
field on the
motion for
a discon-
tinuance
of the war.

Lord Sheffield, was against the motion, and urged that “it would be impolitic to withdraw the troops from America, as the Americans then *might destroy the West India Islands*: He said he did not clearly understand the motion. He knew not how they could separate the war with America from the war with France; or how they could talk of maintaining *a war of posts* (as it was called) without intending to make it a war of offence. If we had not a force in America which should be able to act as occasion might require, we must lose every post in detail from the river St. Lawrence to the cape of Florida. We must either fight France in America, or we must fight her in the east, or at home in the rich fields of Britain.

Mr. Wil-
berforce
on the mo-
tion for a
discontin-
uance of
the war.

Mr. Wilberforce “said he was much in favor of the motion, and declared his opinion, that while the present ministry existed, there were no prospects of either peace or happiness to this kingdom. The motion tended to hold out wise advice and direction to ministers for their future conduct, respecting the American war: Their career hitherto had rather resembled the career of furious madmen than the necessarily vigorous and prudent exertions of able statesmen. He declared, from a part of what the new secretary had said, he began to sus-

pect, what a subsequent part of his speech had fully confirmed in his mind, viz., that it was intended to pursue this ruinous war in the former cruel, bloody, impracticable manner.

American
independ-
ency in
Great
Britain,
1777-82.

Mr. T. Townshend spoke very strongly in favor of the motion: "It had been thrown out in the debate," he said, "that it was not now an American war, but a French war: That America was become dependent on France, that France had conquered America: What, then, could be inferred, but that France with thirty-four hundred men in America, had done more than England with seventy-three thousand?"

Debate on
the war.
House of
Commons,
Feb. 1782.
Mr. T.
Town-
shend on
the mo-
tion.

Mr. C. Turner, said "that the people of England, especially the poorer sort, were so reduced by the American war, that the farmers in the country were glad to sell their corn as fast as they could thrash it, merely to support themselves. He declared that he differed from those who looked to parliament for the salvation of the nation: He had trusted to them too long; and the only salvation now lay in the people, whom he would join on the first occasion.

Mr. C. Tur-
ner.

Colonel Barre, moved, before they proceeded any farther on a subject of such importance, that the petition from the city of Bristol, lying on their table, might be read; which being complied with, he rose and said; "The many burdens and grievous oppressions which it is stated that great trading town labored under, were not peculiar to it; they were common to the whole kingdom. I am confident that the city of London holds similar sentiments with regard to the war; and the reason that your table is not loaded from all parts with petitions of the like nature with that just read, is, that the nation did not look up to parliament with that respect which they were formerly wont to do; we have fallen into contempt in the eyes of the public; and that alone is the cause that complaints of the distresses, heavy burdens, and intolerable hardships, which the nation endures, do not pour in from every quarter.

Colonel
Barre on
the motion
for a dis-
continu-
ance of
the war.

PART IV.

THE PERMANENT UNION

American independ-
ency in
Great
Britain,
1777-82. An honorable gentleman has said, that this mode of
addressing the crown was unprecedented. Good God!
Sir, the situation of our country is unprecedented.
And is this a time, when the nation is verging on abso-

lute ruin, to search for precedents to warrant us in
those measures which may avert that destruction?
From what has fallen from the new secretary of state,
(*Mr. Ellis*,) I can plainly perceive that the same
wretched argument and folly which had hitherto
promoted and carried on *the accursed war* still influ-
enced the conduct of ministers. It is said we have
many friends in America, and it would be cruel to
abandon them to the merciless hands of the congress.
It is an entire delusion, we have no friends in America;
and ministers have been duped into the idea of the con-
trary by the misrepresentations and falsehoods told by

Col. Barre on the mo-
tion for a
discontinu-
ance of
the war. refugees here. From their erroneous misrepresentation
we might chiefly attribute our disasters in America.
To contradict their lying reports to government we
need only refer to Lord Cornwallis's public letters.
In them he tells us that he met none of those many
loyalists he was made to believe he should meet in
North Carolina, a province in which he stood most in
need of them. In his march throughout almost the
whole province, he said he found them 'timid friends
and inveterate enemies.' Did this language denote loy-
alty? Were these the numerous friends and warm ad-
vocates for this country, that ministers were so mighty
tender of deserting? However, his lordship being
necessitated, through want of provisions and other cir-
cumstances, to march to Wilmington, he there found a
number of Americans assembling, not for the purpose
of arming as would be falsely insinuated, but merely
to see that gallant general (*Lord Cornwallis*) who had
so repeatedly beaten *General Green*! and as soon as
the sight was over, and they paid their addresses to his
lordship, they retired with as great expedition out of
the town as they made in coming in; and I have it

from very good authority, such as cannot be doubted, that Lord Cornwallis could not, with any persuasion in his power, prevail on even an hundred men to arm themselves in his support. From this account of the disposition of the Americans, must not every man, endued with any degree of reason, see the impracticability of subduing America by force?

The Secretary of War, (Mr. Jaskinson,) remarked, "that if an end to the American war was what gentlemen desired, the withdrawing our forces would by no means have that effect; for America would certainly attack us in her turn, so that we should still have an American war. Besides, her ports would be open, and would every day increase in wealth and power, a circumstance this nation should use their utmost endeavors to prevent. Gentlemen wished to be informed what government meant by a *war of posts*. My idea is, to keep no regular army in the field, but in keeping those posts we had, to add others to them whenever they should be found advantageous to us, thus affording us the means of attacking the enemy if an opportunity served of doing it with success. The address now moved for is not explicit enough, the terms of it are too obscure, nor can I see any possible benefit that could arise from it; if I did, it should have my warmest support.

Mr. Fox, exposed the duplicity of ministers, and argued that the seats in the house were so filled by placemen and contractors that the voice of the people was not fully represented among them. He said, "it is now evident that the war is to be pursued in America in the same mad manner in which it had been hitherto conducted." He reviewed the conduct of administration with exceeding severity.

Lord North defended the administration in quite a lengthened argument.

The *Hon. Wm. Pitt*, spoke with his usual eloquence on the motion, and urged the necessity of putting a speedy end to the war. "It had been remarked," he said,

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independ-
ency in
Great
Britain,
1777-82.

Debate on
the war.
House of
Commons,
Feb. 1782.

The Secre-
tary of War
on the mo-
tion for a
discontinu-
ance of the
war.

Mr. Fox
on the mo-
tion.

Wm. Pitt
urges an
end to the
war.

American
independ-
ency in
Great
Britain,
1777-81.

"in the debate by the new secretary, that 'to make peace with the Americans you must make them feel the calamities of war.' Surely we ought to pay some respect to the calamities of our constituents at home. They, I will be bound to say, felt all the calamities of war."

Debate on
the war.
House of
Commons,
Feb. 1782.

Mr. Rigby said, "he undoubtingly was of opinion some time back, that the American war was a just one; he still continued to think so. But he was also of opinion that the complexion of the times had altered, and that

Mr. Rigby:

it was no longer practicable to pursue it; yet he should vote against the present motion (although he wished for peace,) as it interfered with the executive power, and left ministers in a situation not knowing what to do."

Gen. Con-
way ex-
plains
his motion.

General Conway, explained the nature of his motion, and said, "it was necessary for the house to come to the resolution proposed, as a basis to treat upon, as it would show to the world that the House of Commons were in earnest." He concluded the debate by reviewing the arguments urged against the motion. At two o'clock in the morning the house divided on the motion; *ayes* 193, *noes* 194; giving a majority of one for continuing the American war.

Question
on the mo-
tion, Feb.
22d.

Unpopu-
larity of
the war as
disclosed
in the
debate.

It is evident from the debate on this motion, and from the final vote, that the war with America had become unpopular even among the former adherents to administration, and that the power of ministry was on the wane. The king was evidently alarmed, and anxious to escape from the dilemma into which he had been drawn. The difficulty under which the opposition labored seemed to be, how to separate the crown from the condemnation of his ministers; or how to make the mediation of parliament available, without infringing upon the royal prerogatives.

Petition of
the city of
London.

The debate on this subject was renewed on the twenty-seventh of February, when "the sheriffs of London presented at the bar of the house a petition of the

Lord Mayor, Aldermen and Commons of the city of London, in common council assembled; setting forth, that the petitioners, in the present state of public affairs, moved by every sentiment that can impress the human mind with regard for the common welfare of this kingdom and its dependencies; are impelled to implore this honorable house to interfere in such manner as to their wisdom shall seem to be most effectual, for preventing the continuance of this unfortunate war with America." This petition was ordered to lie on the table.

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ency in
Great
Britain,
1777-82.

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the war.
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Commons,
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1782.

Mr. Alderman Newnham then informed the house that the city had been unanimous in this petition, as they were most heartily tired of the American war; whereupon

The city
tired of
the war.

General Conway rose, at half past four o'clock, to renew his attempt to bring the house to agree with him, "that, in the present posture of affairs, it would be inexpedient and improper any longer to prosecute the American war. He desired that the petitions from the cities of London and Bristol might be read." Which being done, he declared that "as he was firm in his opinion on Friday last of the necessity of putting an end to the American war, he had this day been, if possible, more confirmed; for the first trading city in the world, had petitioned against the war, and they undoubtedly were the best judges of its effects. He had several inducements to renew his motion. He would do it from a principle of duty to his country, to his constituents, and to himself. So deep was the impression which the calamities and disgraces of this unnatural and cruel war had made upon him, that while he had a mind to think, a heart to feel, or a tongue to speak, he never would relax in his endeavors to point out the necessity of putting an end to it.

Gen. Con-
way re-
news his
motion for
a discon-
tinuance
of the war.

"Another inducement was, that the last question which he had the honor of submitting to the house had been lost, or, as some would call it, carried, by so very small a majority. He had since conversed with so

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ency in
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the war.
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Renewal of
General
Conway's
motion to
discon-
tinue the
war.

many members who were absent when that question was discussed, and who had assured him that, if they had been present when it was proposed, they would have voted for it; that he could not bring himself to think that the sense of the house could fairly be said to have been taken on the subject: Members had frequently made light of their attendance, but he begged them to consider and to reflect, that perhaps all the mischiefs and calamities of that war were now to be attributed to the absence of a single member. But these were not his only inducements; he had still another, from which he expected no inconsiderable advantage: Two members of great weight, and deservedly of great weight in that house, (*Mr. Rigby* and *the Lord Advocate*) had in the late debate on the American war, fairly confessed that they were tired of the war: They had declared themselves converts to the opinion of its impracticability; and they had delivered themselves on that subject in a very manly manner; all he regretted was, that they had not followed up their manly declaration with a manly vote for the address. They were now avowed converts. The light had shone upon them; they were thrown down from their high horse of starvation and unconditional submission; but, unlike Paul after his conversion, they had not become the champions of that people and cause of which they had been such violent persecutors."

After a very able and elaborate argument in favor of discontinuing the war, and a very severe review of ministerial inconsistency and obstinacy, *Mr. Conway* concluded by moving the following resolution:

General
Conway's
resolution.

"*Resolved, that it is the opinion of this House, that the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of this country against her European enemies; tends, under the present circumstances, dangerously to increase the mutual enmity,*

so fatal to the interests of both Great Britain and America; and, by preventing a happy reconciliation with that country, to frustrate the earnest desire graciously expressed by his majesty to restore the blessings of public tranquillity.”

Lord Althorpe “seconded the motion, from a thorough conviction,” he said, “that it was just, and conformable to the wishes of the people at large, who, wherever he went, were exclaiming against the American war. He had listened with great attention during the debate on Friday, (the 22d) and was astonished to hear it said, ‘you must make war to gain peace; you must make the Americans feel the calamities of war, to wish for peace.’ Would any man say they had not felt the calamities of war? Or would any man say that we, ourselves, have not felt the calamities of war? If they did, he must differ widely in opinion from them; for was the burning of towns and spreading desolation wherever we went, not making the Americans feel the calamities of war in the utmost degree? Certainly it was; and the vast burthen and increase of our taxes are felt at home: Besides, our army in America is not only an useless army, but is a means of our navy being neglected; for the men who were raised and sent to be slaughtered there, would have been of infinite service if employed as marines, or by becoming sailors.”

Sir Horace Mann said,—“from principle I have supported the American war, under the idea first, that it was just; and next, that it was practicable: Experience, however, has convinced me that the object we had set out with was unattainable and impracticable; my eyes are now open, and I see that it would be madness to pursue it any longer. It is therefore the best thing that can be done, in our present situation, to put an end to the war as speedily as possible, which, if not soon terminated will put an end to our political existence. With these sentiments, therefore, I must pro-

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independ-
ency in
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the war.
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Commons,
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1782.

Lord
Althorpe
seconds
the resolu-
tion.

Sir Horace
Mann on
General
Conway's
resolution
to discon-
tinue the
war.

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ency in
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the war.
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Commons,
Feb. 27th,
1782.

The Attor-
ney Gen-
eral is in
favor of a
truce.

Mr. Fox
advocates
the resolu-
tion.

Mr. Wal-
lace moves
to adjourn.

Lost.

The resolu-
tion car-
ried.

Further
motion of
General
Conway.

claim my conversion, and seal it by voting for the motion now before the house.

The Attorney General, (Mr. Wallace,) gave it as his opinion, "that in the present circumstances, nothing but a peace with America can restore this country to its former state of splendor and respect: But, sir, I do not think the motion on the table is calculated to produce that happy and desirable object: There are many obstacles to be removed before it would be possible for this house to expect to bring the Americans to treat with them. The restrictions in the *Prohibitory Act* must first be removed, &c. He was in favor of a truce with America.

Mr. Fox urged, with the most powerful arguments, "the propriety of the motion made by the hon. General, (*Conway*): He deprecated and denounced "the paltry stratagems to which ministers were reduced, in the last moment perhaps of their existence, to gain a short week, or a day of breath."

Here "the *Attorney General (Wallace,)* moved an adjournment, and after a short debate the house divided on the motion, when the vote stood *noes* 234, *ayes* 215.

The majority against the ministry on the question of adjournment being 19.

"The original question upon the resolution was then put, and carried without a division: The ministry being thus left in a minority, *General Conway* followed up his first motion with another, viz:

"That an humble address be presented to his majesty, that the further prosecution of offensive war on the continent of North America for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of the country against her European enemies, tends, under the present circumstances, dangerously to increase the mutual enmity so fatal to the interests of both Great Britain and America; and by preventing a happy reconciliation with that country, to frustrate the earnest desire gra-

ciously expressed by his majesty to restore the blessings of public tranquillity.”

This motion was agreed to without a division. It was thereupon “*Resolved* that the said address be presented to his majesty by the whole house: And the members of his council present, are ordered to know his majesty’s pleasure when he would be attended by the house.”

American
independ-
ency in
Great
Britain,
1777-82.
Motion
agreed to.
Resolution
upon.

The next day, almost as soon as the Speaker had taken the chair, the *Attorney General* (*Mr. Wallace*) “asked leave to bring in a bill ‘to enable his majesty to conclude a peace or truce with the revolted colonies of America.’ He said he would not then enter into any detail of the nature of the bill, but would reserve himself to another opportunity, when he should have a fuller house to speak to.”

Mr. Wal-
lace asks
leave to
bring in a
bill for
peace with
America.

Mr. T. Townshend “wished his lordship would even then, thin as the house was, enter into a detail, or give some explanation of the particular objects of his proposed bill.”

Mr. T.
Town-
shend wish-
es details.

Mr. Fox said, “that though no man wished more ardently for peace than he did, still he did not see the necessity of passing any bill on the subject in the very first instance. Ministers might enter into a negotiation, and apply to parliament as soon as their assistance should be wanted. Whoever should have the conclusion of the business, whether the present ministers or others, they must act upon entirely new principles: For his part, he thought *the idea of sovereignty over America ought to be totally renounced*; but still he hoped no one would give up America, without obtaining a substantial connection with her.

Mr. Fox
objects to
the bill, *in
limine*.

Mr. Rigby “was of opinion that no man spoke in general more substantially than the honorable gentleman (*Mr. Fox*), but still he must confess that he could not reconcile his two ideas of renouncing the sovereignty of America, and preserving ‘a substantial connection’ with her. He was afraid the honorable gentle-

Mr. Rigby
is in favor
of it.

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ency in
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the war.
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Commons,
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Mr. Fox
explains.

The Attor-
ney Gen-
eral in reply,
desires to
promote
peace.

See post,
p. 809.

Monday,
March 4th.

The king's
answer to
the ad-
dress.

man wanted to retain under one name what he was so ready to renounce under another: For his own part, he did not entertain an idea of *preserving the sovereignty over America*. He gave that up for the same reason that he gave up the war, because he could not help it. He thought the bill proposed ought not to be delayed. He was not in the secret of ministers; but who could tell that some progress might not have been already made in a negotiation, and that the bill was necessary to the conclusion of it?

Mr. Fox said "he did not mean by substantial connection, any advantage whatever that we should have a right to enforce: He meant such a connection as we have with Portugal; such as we had with Holland.

The Attorney General, (*Mr. Wallace*,) said, that "after what he had pledged himself to last night, it would have been unpardonable in him not to take the very earliest opportunity to promote that peace which seemed to be the object of every gentleman's wish. In a former bill appointing commissioners to treat with America, there was a clause empowering them to suspend the *Prohibitory Act*, which, though it related to the trade of this country, did not pass through a previous committee. However, he was very willing to send his proposition to a previous committee of the whole house." He accordingly made a motion to that effect, which was carried without any further debate.

"*House of Commons, March fourth, 1782*. The Speaker informed the house, that, pursuant to appointment of his majesty, the house attended his majesty on Friday last with their address (of the 27th February,) to which his majesty was pleased to return this most gracious answer, viz.:

"*Gentlemen of the House of Commons* :

"There are no objects nearer to my heart than the ease, happiness, and prosperity, of my people: You may be assured, that, in pursuance of your advice, I shall take such measures as shall appear to me to be

most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both: And that my efforts shall be directed in the most effectual manner against our European enemies; until such a peace can be obtained as shall consist with the interests and permanent welfare of my kingdoms."

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ency in
Great
Britain,
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Commons,
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1782.

Immediately after the reading of this answer, *General Conway* rose and said "he was sorry that it had fallen to his lot to trouble the house so often, but he hoped they would excuse him on account of the importance of the subject, on which he had so often taken the liberty to solicit their attention. Often foiled in the course of the present war, in his attempt to put an end to hostilities with America, he had for once succeeded in a motion from which great expectation might be formed, though he had no great reason to flatter himself or the house very much, from the answer that had been made to the address, which had followed his motion, as it was not quite so explicit as he could have wished. However, he thought it right and proper to return thanks for it to the throne, expressive of the satisfaction of the house, at those pacific dispositions which were manifested in his majesty's answer. But he trusted he would be seconded by the house in his desire to secure themselves, and this country, against the possibility of a doubt that the American war was not now completely concluded. Something, perhaps, might yet be wanting to confirm the resolution of Wednesday; (the 27th Feb.) Something by which ministers would be so expressly bound, that however desirous of evasion, they would not have it in their power to evade the injunction of that house; but now he would move

Proceed-
ings there-
upon.

Speech of
General
Conway.

The king's
answer in-
sufficient.

General
Conway
moves for
an address
of thanks
to the
king.

"*That an humble address* be presented to his majesty, to return his majesty the thanks of this House, for his most gracious answer to their address, presented to his majesty on Friday last; and for the assurances his maj-

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independ-
ency in
Great
Britain,
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Lord Al-
thorpe sec-
onds Gen-
eral Con-
way's mo-
tion of
thanks.

Motion of
thanks
passed.

General
Conway's
proposi-
tion for
peace with
America.

esty has most graciously been pleased to give them of his intention, 'in pursuance of the advice of this house; to take such measures as shall appear most conducive to the restoration of harmony between Great Britain and the revolted colonies; and that his efforts shall be directed in the most effectual manner against our European enemies, until such a peace can be obtained as shall consist with the permanent welfare and prosperity of his kingdoms:'. This house being convinced that nothing can, in the present circumstances of this country, so essentially promote those great objects of his majesty's paternal care for his people, as the measures which his most faithful Commons have most humbly, but earnestly, recommended to his majesty."

Lord Althorpe rose to second the motion, and said "he should consider himself wanting in duty to his sovereign, if he did not, in the present instance, rise to second the motion for the address of thanks: At the same time he was not wholly and perfectly satisfied with the answer that had been given to their late address: And he wished that the honorable member would take some step that might tend to enforce the spirit of that address. With respect to the motion now before the house, he hoped it would be carried unanimously, as a mark of that respect which the house entertained for his majesty."

The Speaker read the motion, and having put the question, it was carried *nemine contradicente*: Whereupon

General Conway instantly rose, and informed the House that "he had another proposition to make, which he thought absolutely necessary, and without which the great point that had been carried on Wednesday last would be rendered nugatory and ineffectual. He was really ashamed to speak so often to the house on the subject of the American war; but he trusted this would be the last time he should obtrude himself on their patience. His habits and disposition were so contrary

to the principles of this war, that he absolutely had a most rooted aversion to it: And, therefore, though he was convinced that he had spoken too often on the subject, he could not resist the impulse he felt to rivet, if possible, those fetters which he hoped the address voted on Wednesday had put upon the American war. There were several strong reasons which urged him to persevere in making use of every means in his power to put an end to it: He had every reason to believe that there was a general desire in the Americans to make peace with Great Britain. There were persons at no great distance* authorized to treat with us about peace: And though hitherto the Americans had not bound themselves to any specific proposition relative to the West Indies, or an exclusive trade to France, which could stand in the way of a separate peace, he was given to understand that something was in agitation, or on the tapis, with the court of France, which if concluded, would be of irreparable disadvantage to this country: Our readiness to treat with America would, in all probability, prevent anything definitive from being concluded between the congress and France. These were his reasons for wishing for an immediate cessation of hostilities with America, and recommending to government, that, without loss of time, they would open a treaty of peace with America.

“The answer delivered to the address on Friday, was by no means generally understood. It was conveyed in a language not any ways satisfactory, as it did not say his majesty would put an end to the American war, but that he would take such measures *as appeared to him*, that is, *to his ministers*, to be most conducive to harmony: He had no doubt of his majesty’s gracious intention; yet as the same men had openly declared in this house, that ‘to make peace with America you must make them feel the calamities of the war,’ it was not unnatural to think that they would still advise vigorous measures to be pursued; especially as they chose

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ency in
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1782.

General
Conway’s
proposi-
tion for
peace with
America.

The crisis.

The king’s
answer.

* Ameri-
can pleni-
potentia-
ries at
Paris.

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ency in
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General
Conway's
proposi-
tion for
peace with
America.

Must com-
pel the ces-
sation of
the war.

Gen. Con-
way moves
a resolu-
tion against
the further
prosecu-
tion of the
war.

not to understand what the true intent and meaning of the words *offensive war* conveyed: He had himself been bred up in the military line, and nothing could appear more clear than the words offensive and defensive. The prayer of the address was to put an instant end to the American war as a basis for peace; and as there were persons near at hand properly authorized to treat for the same, undoubtedly it meant to negotiate with them, as the most speedy measure that could be adopted. Now was the time for the blow to be struck, before it was too late; and, as from the present answer his majesty's ministers might screen themselves from the public by saying they took such measures *as appeared to them* most conducive to putting an end to the war; they might think that a war of posts, which had been so variously described, was the most proper measure: That the keeping the posts we had already got, or the abandoning them and choosing new ones, was the best: Or they might think the recruiting the army lost under Lord Cornwallis was a proper measure: Yet, in his opinion, none of those heads were left to their choice, for they were bound *to put an immediate stop to the war*, and those who advised his majesty to the contrary, were highly criminal, and ought to be brought to justice. He would therefore move a resolution, which would make the sense of this house so clear and manifest, that his majesty's ministers could not possibly mistake it; and by which the house and the country would have the satisfaction of knowing that this mad war would no longer be pursued." His motion was

"*That, after the solemn declaration of the opinion of this House*, in their humble address presented to his majesty on Friday last, and his majesty's assurance of his gracious intention, 'in pursuance of their advice, to take such measures as shall appear to his majesty to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to

the prosperity of both,' *this House will consider as enemies to his majesty and this country*, all those who shall endeavor to frustrate his majesty's paternal care for the ease and happiness of his people, by advising, or by any means attempting, the further prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force."

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ency in
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Lord Althorpe seconded the motion, saying, "he coincided entirely with the right honorable general, that this was wanting to finish and complete the business of the week before; and this, no doubt, would give complete satisfaction to every man. He declared, that one great inducement to him to second this motion was, because he felt in his own mind a want of confidence in the present administration, which their continued series of ill-successes was alone sufficient to justify. He thought therefore the house could not be too cautious in having their sense and wishes as explicitly declared as possible. The line of conduct this motion (superadded to that of Wednesday, Feb. 27th,) would most plainly chalk out, he flattered himself, would lead to peace with America; and by putting an end to that fatal war, which had caused all our calamities, he trusted an end would also be put to the present administration."

Lord Al-
thorpe
seconds
the motion.

Has no con-
fidence in
ministry.

Lord North said, "he did not rise to give any opposition to the motion, but he would observe, at the same time, that he could not by any means agree with those who thought it necessary: In his opinion it had for its object only to strengthen what was sufficiently strong already. He declared that although a majority of the house was, in parliamentary language, the house itself, it could never make him change a single opinion: Yet he bowed to that opinion which was sanctioned by the majority. Though he might not be a convert to such opinion, still he held it to be his indispensable duty to obey it, and never once to lose sight of it, in the ad-

Lord North
thinks the
motion un-
necessary.

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American independ-
ency in
Great
Britain,
1777-82. vice which, as a servant of the crown, he should have
occasion to give his sovereign. It was the right of
that house to command; it was the duty of a minister
to obey its resolutions. Parliament had already ex-
pressed its desire, or its orders, and as it was scarcely

House of
Commons,
March 4th,
1782. possible that a minister should be found hardy, daring,
infamous enough, to advise his sovereign to differ in
opinion from his parliament, so he could not think that
the present motion, which must suppose the existence
of such a minister, could be at all necessary.

Mr. Fox on
Gen. Con-
way's reso-
lution for
peace with
America. *Mr. Fox* rose, he said, "to speak but a few words on
the motion, for as the noble lord in the blue ribband
(*Lord North*) had said that he should not oppose it,
there was no occasion for him to enter into any detail
of argument in defence of the proposition. He was
one of those who were completely and totally dissatis-
fied with the answer of the crown to the address of
this house. When he spoke in this manner, he would
be understood to mean, that he was dissatisfied with
the answer which his majesty's ministers had advised

Thinks the
answer of
the crown
a device of
ministry. his majesty to give. It was the answer of the minis-
ters, and among others, of that minister, who had, on
this day, been heard to declare, that he disapproved
of the resolution of this house on which the address
was founded. They had put an answer in the mouth
of his majesty, which he could not approve of, because
it was not an answer sufficiently clear and specific.
For what did it say? That his majesty would be gra-
ciously pleased to put an end to the offensive war car-
ried on in America for the purpose of reducing the
Americans to obedience by force? No. But that his
majesty would take such measures as shall appear to
him, (that is, as should appear to his ministers,) con-
ducive to the restoration of harmony. Could this be
satisfactory? Parliament had pointed out the specific

The an-
swer of the
king and
the min-
istry. means by which to accomplish the object, viz., by put-
ting an immediate stop to offensive war. But his
majesty's ministers, instead of declaring in their an-

swer that they would guide themselves by this advice, make his majesty declare, that *they will take such steps as appear to them conducive* to the object. He was not in the house when the motion for an address of thanks was agreed to, as he understood, unanimously: If he had been, notwithstanding what he had just said, he should have voted for it, for he was careful to distinguish between the obligation that was due to his majesty personally, for the grace of his answer; (and he sincerely believed that his majesty was, in his royal mind, most graciously disposed to restore the blessings of peace to his unhappy people,) and those ministers who wished to make the crown follow a plan of conduct directly opposite to the advice of his faithful Commons, were not friends to their country, and should be deemed criminal.

"This answer of the ministry," Mr. Fox continued, "coupled with their language in this house, was perfectly intelligible. For here they had declared, and particularly the minister of the American department, the best way to conclude a peace with America was 'to make them feel the calamities of war.' This expression the new Secretary of State (*Mr. Ellis*) had made use of but a few days ago. His majesty, he sincerely believed, wished to conclude a peace with America, as his faithful Commons had advised him; but his ministers undoubtedly meant no such thing, for their language was different."

After some further debate on other matters connected with the war generally, the motion was put in its original form, and agreed to without a division.

American
independ-
ency in
Great
Britain,
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House of
Commons,
March 4th,
1782.

Mr. Fox on
the resolu-
tion for
peace with
America.

Resolu-
tion put
and car-
ried.

On the fifth of March, the order of the day being to consider of *the Attorney General's* (*Mr. Wallace's*) proposition for bringing in "A bill to enable his majesty to make peace, or a truce, with America," the House being in committee of the whole, *the Attorney General* rose to make his proposition. "Peace with

Mr. Wal-
lace's bill
for peace
with Amer-
ica, March
5th, 1782.

See p. 801.

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ency in
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Britain,
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House of
Commons,
March 5th,
1782.

Mr. Wal-
lace's bill
for peace
with Amer-
ica.

Proposes
to repeal
the Prohib-
itory Act.

Also all
acts rela-
tive to com-
merce with
America.

America," he said, "was the great object of his intended bill: And to such a bill he trusted no opposition whatever could be made from any quarter of the house. Peace was the general wish of this house, and of the nation at large; and he hoped that if unanimity ever marked the progress through parliament of any bill, the bill which he should have the honor to propose would be unanimously supported. This bill was calculated to remove certain bars and impediments which stood in the way of peace, viz.:

"By an act, commonly called the *Prohibitory Act*, all commerce whatever was cut off between the Colonies and Great Britain, until the former should be declared to be in the king's peace; that is to say, completely and fully restored to their allegiance to and dependence on this country; a period which, he feared, was at so remote a distance that to wait for it before the *prohibitory law* should be repealed, would be both absurd and ridiculous. The only way now left, in his opinion, to restore the connection between the two countries, would be to open our ports to them, without which no truce or peace could be advantageous to this country. But the *prohibitory act* was not the only one that ought to be repealed: In the year 1774 the congress had complained of certain other acts, to which his intended bill should have a reference: And in general, to all acts relative to commerce with America, from the *twelfth Charles II.* down to the date of the present troubles: By the *twelfth of Charles II.* everything that was destined for the consumption or use of English America could by law be shipped only in England; and the whole produce of the colonies could not be carried elsewhere than to England: This act of course would be repealed, as well as many others, which it would be tedious to enumerate.

"These," the Attorney General further remarked, "were the outlines of the bill, and having said thus much he would *move*, that the chair be directed to move in the

house, for leave to bring in a bill to enable his majesty to conclude a truce, or peace, with the revolted colonies in America."

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independ-
ency in
Great
Britain,
1777-82.

After a brief but unimportant debate, the committee agreed to the motion without a division, and adjourned.

This proposition is no otherwise important, in this connection, than as it developes the designs of the ministry in opposition to the independency of America, and the miserable shuffling policy to which they were driven in their desperate determination to prevent its recognition. Whatever plan for a peace was contemplated by the attorney general it was evident that it did not include a renunciation of the sovereignty of Great Britain over America. Mr. Fox gave to it all the consideration and all the weight it merited, when, immediately after the proposition was submitted, he rose and "assured the committee that nothing but the personal respect he bore the learned gentleman, had prevented him from treating the proposition before them just as it deserved to be treated; and that was, *to burst out a-laughing when he heard it, and then walk out of the house*; for nothing," said he, "could be so ridiculous and farcical as to hear such a proposition from that side of the house."

Mr. Wal-
lace's pro-
posed bill
for peace
with
America.

Mr. Fox's
idea of the
proposi-
tion.

But the crisis had now arrived when the sickened heart of the nation could no longer endure the calamities which had so long oppressed the kingdom, and so seriously threatened the utter overthrow of the empire of Great Britain. Deliverance, relief, peace, at whatever hazard, at whatever sacrifice, was now the universal cry which came up from an oppressed and overburdened constituency, and fell on the ears of parliament in tones which could not be mistaken or disregarded. In the language of Mr. C. Turner of the House of Commons, "the people had now joined parliament, and were determined to be no longer the slaves of administration." The king himself was disturbed, and earnestly

The crisis
and the
people.

Popular
cry for
peace.

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independ-
ency in
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anxious to give security to his crown, by restoring tranquillity and prosperity to his kingdom.

House of
Commons,
March 8th,
1782.

Henceforth the question became not so much one of peace with America, as one of the further continuance in power of the present confidential advisers of the crown, although the one necessarily involved the other. The war itself was reduced to this single issue, and the real seat of it was now in parliament. On the result, the prolongation of the bloody and cruel con-

Lord Cav-
endish's
resolutions
of censure
on the
ministry.

flict or the establishment of peace, the further fate of both England and America seemed now to depend. The battle was commenced on the eighth day of March, 1782, by a motion of censure on his majesty's ministers, introduced by *Lord John Cavendish*, and based upon the following resolutions:

Cost of the
war.

"Resolved, That it appears to this house, that since the year 1775, upwards of one hundred millions of money have been expended on the army and navy in a fruitless war."

Its results
to Great
Britain.

"Resolved, That it appears to this house, that during the above period we have lost thirteen Colonies of America, which anciently belonged to the crown of Great Britain, (except the posts of New York, Charles-Town and Savannah), the newly acquired colony of Florida, many of our valuable West India, and other Islands; and those few that remain are in the most imminent danger."

Present
aspect of
the con-
test.

"Resolved, That it appears to this house, that Great Britain is at present engaged in an expensive war with France, Spain, and Holland, without a single ally."

The minis-
try at fault.

"Resolved, That it appears to this house, the chief cause of all these misfortunes is owing to want of foresight and ability in his majesty's ministers."

Lord
How's
opinion.

The three first of these resolutions contained a simple statement of facts, which in the course of a lengthened, heated, fierce, and even clamorous debate, were not denied on the part of the administration. Even *Lord Howe*, who had served under administration in

America, declared, "that the first three propositions were so evident and clear to any man, that he was certain no person could vote against them. But," he continued, "as ministers might say, the want of success was owing, in a great measure, to his majesty's officers, he could not, out of delicacy, vote for the fourth proposition, though that to him was perfectly clear with the rest. He was determined, in his own mind, that want of foresight and ability in his majesty's ministers were the chief causes of all their misfortunes."

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independ-
ency in
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House of
Commons,
March 8th,
1782.

All the force of administration was rallied and present in the house when these resolutions were submitted, while many of the opposition were absent, and a number of the members were in the same position with *Lord Howe*, in relation to the ministry. At two o'clock in the morning, amidst a great clamor for the question, the house divided on the motion, and the vote stood, *ayes*, 216; *noes*, 226; majority in favor of administration, 10. The resolutions were lost.

Vote on
the resolu-
tions of
censure.

The discussion was renewed again on the fifteenth of March, on a motion made by *Sir John Rous*, for withdrawing the confidence of parliament from his majesty's ministers, which he based on a resolution which he offered, as follows:

*Sir John
Rous' mo-
tion
against the
ministry.*

"*Resolved*, That this house—taking into consideration the great sums voted, and debts incurred, for the service of the army, navy, and ordnance, in this unfortunate war, to the amount of upwards of one hundred millions; and finding that the nation has, notwithstanding these extraordinary exertions, lost thirteen ancient Colonies belonging to the crown of Great Britain, the new-acquired province of West Florida, the Islands of Dominica, St. Vincent, Grenada, Tobago and Minorca, besides several valuable commercial fleets of the utmost importance to the wealth of this country; and that we are still involved in war with three powerful nations in Europe, *without one single ally*—can have no further

Burdens
and losses
of Great
Britain.

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ency in
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confidence in the ministers who have the direction of public affairs."

House of
Commons,
March
15th, 1782.

Sir John
Rous' mo-
tion
against the
ministry.

Concedes
the injus-
tice and
impolicy
of the war.

His lordship prefaced his motion by declaring, that "as he was descended from a tory family, and had been bred up in tory principles, this circumstance alone would screen him, he hoped, from any imputation of being devoted to a party adverse in general to administration. From the first dawn of the American war, he had felt the injustice and impolicy of it; and he came into the house its declared enemy on principle; but at the same time that he was an enemy to the war, he had come into parliament highly prepossessed in favor of the *Noble Lord* in the blue ribband (*North*); and he had felt such a respect for his character that he would have gone great lengths to support him. But when he found that the noble lord persevered blindly to pursue measures, which had already reduced the country from a state of glory and prosperity to calamity and disgrace, he should deem himself an enemy to his country, if he did not exert every faculty to remove him, because in his continuance in office he could see nothing but ruin to the country; by his removal, that ruin, perhaps, might be prevented. The weight of public calamity was felt everywhere; and he wished to know if there was a single independent member in the house, who could lay his hand upon his heart and say, that he did not believe the noble lord in the blue ribband (*North*) to be the author of the calamity; the author of the American war, and of the long train of evils that had already attended it?"

Lord G. H.
Cavendish
seconds
the mo-
tion.

Lord George Henry Cavendish seconded the motion, saying, "he did it from no other motive whatever than that of doing his duty to his country; without any ambition to urge him, or resentment to gratify. His only object was to contribute everything in his power to save a sinking state. He had no intercourse with ministers; he was very little acquainted with them; and therefore the step he now took, could not be for the

purpose of distressing men who had never injured him. The situation of the country was such that he feared its affairs could scarcely be retrieved by any set of men in the kingdom; but if they could, it must be by taking them out of the hands of those ministers who, in his opinion, were the authors of all our present calamities."

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independ-
ency in
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1777-82.
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Commons,
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15th, 1782.

Mr. George Onslow, on the part of administration said, "he agreed with the other side of the house that the American war was the source, origin, and cause, of all their present misfortunes. But he contended that there were some facts relating to it antecedent to the administration of the noble lord in the blue ribband (*Lord North*,) for which he was not responsible. The first thing that occurred to him was the Stamp Act. He thanked God he never gave a vote for that act; for he believed, in his conscience, and upon his honor, that it was the source of all our public calamities. The Americans rose up against it as one man, and would have plunged into a war if it had not been repealed; but what followed the repeal? The next, a Declaratory Act, which gave as much offence to the Americans as the stamp act, for it maintained and asserted that right of sovereignty which the stamp act was calculated to enforce. Of this Declaratory Act the congress in their manifesto had spoken in the most severe terms, and complained of as the greatest grievance.

Mr. George
Onslow
defends
adminis-
tration.

Refers
all trouble,
1st, to the
Stamp Act.

2d, To the
Declarato-
ry Act.

"The nation at large upheld the idea of sovereignty over America. All that was great in England had sanctified the idea with their suffrage and authority: Nay, even the great *Lord Chatham* himself, had declared, in full parliament, that if America should manufacture a stocking, or so much as forge a hob-nail, he would make her feel the whole weight of the power of this country. The principle of the war therefore had been held by *Mr. Grenville* in his Stamp Act; by the *Marquis of Rockingham* in his repeal of it; and by the great *Earl*

Sovereign-
ty over
America.

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ency in
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Sir John
Rous'
motion
against the
ministry.

Mr. John
Town-
shend advo-
cates the
motion.

The king's
answer to
the ad-
dress.

Lord
North and
others.

of *Chatham* himself, in his speech upon the Declaratory Act."

Mr. John Townshend said, "that gentlemen by assenting to the present motion, would do an essential benefit, not only to their country, but to their king. The consequence would be the removal of those ministers who have reduced this country from the highest pinnacle of glory, to the meanest and most contemptible situation that can be well imagined: At a time when we should expect ministers addressing this house to be filled with penitence and contrition for the disgrace and misery they have, through ignorance and incapacity, brought upon this country; we find them still persevering in that obstinacy and those principles, which have been already so destructive to the nation, and which have almost annihilated us as a people. Can any gentleman, from his conscience, believe that the present administration can be any longer confided in, who have so constantly and uniformly deceived this house? We need only look into his majesty's answer to the address of this house, dictated by his ministers, and we there see the same evasion and duplicity which have characterized the conduct of administration in this house. There is nothing explicit or expressive of the sense of the nation conveyed in the answer to our address to the throne. We are left as much in the dark with respect to the real intentions of the crown, as if we never had received any answer. He hoped gentlemen would, tonight, show how sensibly they felt the many calamities and misfortunes which had befallen this devoted country; and that they would rescue it, if possible, from the brink of ruin, to which it was now verging with hasty strides, by removing the cause from whence all our evils had sprung."

The debate was continued by *Lord North*, who rose with considerable emotion, and evidently under great embarrassment, to repel the imputations so lavishly bestowed upon him. He was ably answered and se-

verely dealt with, by *Mr. Fox*; who was followed by *Sir John Cavendish*, and *Mr. William Pitt*, in favor of the motion; and the *Lord Advocate of Scotland*, and *Mr. Secretary Ellis* and others, against it: After which the house divided on the question—*ayes* 227, *nays* 236; majority against it 9.

When the ministry were in the lobby, *Mr. Fox* said, "that upon consulting with the gentlemen near him, it was thought right that a motion to the same effect should be proposed on Wednesday next."

Wednesday, March 20th. The house was to-day more crowded with members than it had been since the beginning of the session, or during the existing reign; and the crowds of spectators were in proportion greater than usual. At a quarter after four o'clock, when the house was ready to enter upon the great business of the day, and the speaker had called to gentlemen to take their places, *Lord Surrey*, the member who was to have made the motion, as suggested by *Mr. Fox*, stood up; just at the same moment *Lord North* got up. Each noble lord seemed determined not to give way to the other: This created a great deal of confusion, one side of the house crying out loudly for *Lord Surrey* to speak first; the other side as loudly crying out for *Lord North*: At last,

Mr. Baker rose to speak to a point of order. "He thought it indecent in the noble lord in the blue rib-band (*Lord North*) to rise at a time when he knew the noble Earl had a motion of the greatest importance to submit to the house."

Lord North said, "that it was not through disrespect for the noble lord that he had risen; but merely to save him the trouble of making, and the house that of discussing, a question, which, at present, he might say, was wholly unnecessary."

Mr. Baker again called the noble lord to order, saying, "that he had no right to know of what nature or complexion the motion was, or would be, which his

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independ-
ency in
Great
Britain,
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House of
Commons,
March
20th, 1782.

Debate on
the remov-
al of the
ministry.

*Lord Sur-
reys and
Lord
North
strive for
the floor.*

*Mr. Baker
rises to a
point of
order.*

*Lord
North
explains.*

*Mr. Baker
calls Lord
North to
order.*

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American independ- noble friend had not yet made; and that therefore it was highly unparliamentary in the noble lord to say that it was become totally unnecessary."

Great Britain, 1777-82. *Lord North* insisted, "that it was not disorderly in him to suppose he knew, or to say he knew, what was the substance of the motion which the noble lord was then going to make; for it had been publicly announced to the house some days ago, by an honorable member, (Mr. Fox,) that a motion would be made on this day, similar to that which had been rejected on Friday last: And, therefore, having all the information which he could derive from such a notice, it was perfectly competent for him to rise, if he pleased, to move to adjourn, in order to prevent the discussion of a question which he no longer thought necessary. His reason for thinking it was no longer necessary, was, that as the object of the motion was to remove his majesty's ministers, he could take upon him to say *that his majesty's ministers were no more*; and therefore the object being already attained, the means by which gentlemen had intended to obtain it, could no longer be necessary."

House of Commons, March 20th, 1782.
Debate on the removal of the ministry.

Lord North announces a change in the ministry

Excitement, and calls for Lord Surrey.

Mr. Hopkins.

The other side of the house now called out, "*Lord Surrey! Lord Surrey!*" accompanying it with the words, "no adjournment! no adjournment!" when *Mr. Hopkins* obtained a hearing, and said, "though he was ready to admit the noble lord in the blue ribband (*Lord North*) had not been out of order before, he had been most thoroughly out of order in what he had now said. The noble lord had no right to presume what was the tendency of any motion intended to be made, before it was made: Every syllable, therefore, that he had said relative to the motion to be expected from the noble lord near him, was clearly out of order."

The House becomes clamorous.

A clamor now prevailed in consequence of an infinite number of members, on both sides of the house, rising to speak at once, but *Mr. Pitt* obtained the preference, after *Lord North* had said, "I did not put a question of adjournment, I merely informed the house what I meant

to have done had I been heard when I first rose;" to which *Sir Fletcher Norton*, in the chair, assented.

Mr. William Pitt then said, "he was sorry to see that the noble lord in the blue ribband had attempted to excite the attention of the house, before a matter of such universal expectation as the motion, which it was known for some days past would be made by the noble lord near him, was heard; and more so that this had given rise to so much heat, eagerness, and disorder. He should have conceived the regular mode for the noble lord in the blue ribband to have proceeded, would have been to have waited till the other noble lord had made his motion, and then, if he had thought it right or proper, to have moved his question of adjournment, and upon that to state in his speech his reasons for urging such adjournment. By so doing, the house would have seen their way clearly and distinctly, and would have been able to have formed a judgment fitted to the occasion, without showing any of that heat and eagerness, which was in no case proper, but least of all in a moment like the present."

Mr. Fox finding that the house was in very great confusion, thought that the best way to produce order was, by moving that *Lord Surrey* be heard to make his motion: "He thought this the more necessary, as the house could not place any confidence in the word of the minister; and therefore ought not to believe, upon that word, that the king's ministers were no more. The house ought to take care, and it had it in its power effectually to take care, that the ministers should be no more: A vote of that house would suffice, and while they had it in their power to pass such a vote, they ought not to omit it: He would therefore conclude with moving, *that the Earl of Surrey do now speak.*"

This motion being read from the chair, *Lord North* at once sprung to his feet, and said, "I have now a right to speak to the question:" And after a few prefatory remarks in reply to *Mr. William Pitt*, he

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independ-
ency in

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House of
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20th, 1782.

*Mr. Wil-
liam Pitt*
obtains the
floor.

Mr. Fox
has no
confidence
in *Lord*
North's as-
sertion.

Moves that
*Lord Sur-
rey* be
heard.

Lord
North
takes the
floor, on
this mo-
tion.

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ency in
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20th, 1782.

Debate on
the remov-
al of the
ministry.

Lord
North re-
avows the
ministry at
an end.

went on to say, "the house will remember that in the debates which had taken place repeatedly within these walls, in the course of the past three weeks, it had been again and again declared that the country was in a state of distraction and confusion: That there was no administration, that everything was at a stand, and that he was the obstacle to good government and good order being restored. He had come down this day, therefore, to assure the house that *he was no longer the obstacle* he had been described to be. He would not mention names, but he could with authority assure the house that he was no longer the obstacle he had been described to be. He would not mention names, but he could with authority assure the house, that his majesty had come to a full determination to change his ministers. This intelligence he had conceived would have been sufficient to have induced the house to be of opinion, that it would be altogether unnecessary to debate a question which had for its object a removal already effected; and with that view it was that he had offered himself so early to the notice of the chair. He could pledge himself to that house that *his majesty's ministry was at an end*. The crown had resolved to choose new ministers; and he hoped to God, whoever those ministers were, they would take such measures as should tend effectually to extricate the country from its present difficulties; and to render us happy and prosperous at home, successful and secure abroad. Having said thus much, his lordship declared that unless the motion of the noble lord (*Surrey*) was not what he supposed it to be, that it did not go to any new point, nor aim at more than the bare removal of ministers, he saw no reason for putting it then."

After thanking the house in a very handsome and feeling manner "for their partiality to him on all, and—he would use the phrase—for their forbearance on many occasions, and their general support of him during the previous years of his administration; and

assuring the house that he would on no account avoid any inquiry that might be thought necessary with regard to him, he concluded by moving the question of adjournment."

American
independ-
ency in
Great
Britain,
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Mr. Fox said, "that it did not seem to be a matter of any great importance whether the motion of his noble friend, the *Earl of Surrey*, should be put, or they should trust to the solemn declaration made by the noble lord (*North*.) He could have wished, perhaps, that the motion were put and carried; because it would then manifestly appear to the nation at large, that the ministers of the crown did not retire either from the caprice of this or that minister, or from their wishing to go out, or from their being tired of their situations, or for any of the common reasons which ordinarily occasion the resignation of ministers; but because it was the sense of parliament that they should retire; *because* this house had expressly called upon the crown for their dismissal; and *because the good of the country made it absolutely necessary!* These were the reasons which impelled him to wish the motion put and carried. On the other hand he considered, from the recent action of this house, the great end of carrying the motion of his noble friend was already, in his mind, and, he believed, in the consideration of all Europe, effectually answered: And he hoped whoever should be called upon by their sovereign to form the new administration, they might ever hold it in their minds that his majesty's late ministers were dismissed because parliament disapproved of the system of their government: And it was evident from parliament's having gone so far to effect a removal of ministers, that it would be expected that their successors should act upon different principles, and in a manner totally opposite."

House of
Commons,
March 20,
1772.

Mr. Fox on
the remov-
al of the
ministry.

Inclines to
trust *Lord*
North's as-
surance.

Thinks the
object of
the motion
gained.

Mr. Fox concluded by advising his noble friend, (*the Earl of Surrey*,) not to make his intended motion that day, (Wednesday,) but to reserve it to be made on Monday, in case the noble lord's declaration on

Advises
Lord Sur-
rey to re-
serve his
motion.

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ency in
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Britain,
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House of
Commons,
March 20,
1782.

Debate on
the remov-
al of the
ministry.

The Earl
of Surrey.

Mr. Rigby
thinks the
motion un-
necessary.

He con-
fides in
Lord
North's as-
surance.

Advised
Lord
North to
withdraw.

Monday should fall short of its expected completion. He also agreed to withdraw his own motion, that Lord Surrey be now heard.

The Earl of Surrey said, "that he was not fully convinced that his motion ought not to be put. On the contrary, the whole weighed in his mind as an additional argument for its being made: He was not, however, at all desirous of pressing it upon the house, should it be the general opinion that it would be better not to put it. What had fallen from his honorable friend, who had just sat down, certainly weighed a good deal on his mind: He should therefore listen to what might fall from gentlemen of all parties, and reserve to himself a right to put his motion if he felt his own opinion supported by that of the house."

Mr. Rigby "declared, for his part, he could not see the least occasion for such a motion as that which had been expected, after what had fallen from the noble lord in the blue ribband. He had no idea that the noble lord's declaration was not sincere, and that every word that had dropped from him was not to be depended upon. Indeed should any minister venture to come down to this house, and make such a declaration as that which the house had heard from the noble lord in the blue ribband, merely for the purpose of deluding parliament, he knew not words of sufficient import to describe the infamy of that sort of conduct: He was persuaded the noble lord had no fallacious intention whatever; and if it should hereafter turn out that the smallest deceit was at the bottom of what had passed this day, he pledged himself to the noble lord behind him (*Surrey*,) not only to support his motion next Monday, or whenever he should be pleased to make it, but further, to join with him in a motion of censure as strong as parliamentary precedent would allow.

"With regard to the noble lord who had declared that he was no longer a minister, he ever had entertained, and he still entertained, the highest respect for

him. The noble lord, in his mind, was perfectly justified in retiring, after such a division as that of Friday last. He had advised him to retire: A majority of nine was nothing; and it appeared to him that there was no standing against so respectable a minority as two hundred and twenty-seven men of great abilities and high character. That minority growing out of the feelings of the country, in consequence of the distresses of the war, must outweigh any minister, let him possess abilities even greater than those of the noble lord in the blue ribband. Indeed, such a minority, on a motion for withdrawing confidence from ministers, was a hint too broad to be misconceived or trifled with. As to the new ministers, be they who they might, he hoped they would form an administration on a bold, solid, sound basis, and would prove equal to the task of extricating the country from its present difficulties. They should have his support at least, and he should rejoice most heartily to find their endeavors to save their country prosperous."

American
independ-
ency in
Great
Britain,
1775-82.

House of
Commons,
March 20,
1782.

Mr. Rigby
thinks the
sentiment
against
ministry
overpow-
ering.

Pledges
himself to
support a
new minis-
try.

Mr. Powis said, after stating the question before the house: "Having heard the declaration of the noble lord in the blue ribband, which he was inclined to believe, he should advise his noble friend (*Surrey*) to give up the idea of making the motion which he intended, for the present. But if on Monday next it did not appear that every atom of the present administration, those that were ministers behind the curtain, as well as the ostensible ministers, the invisible as well as the visible agents that had governed the country so long, and precipitated it to the verge of ruin, were removed, then he should wish his honorable friend to bring forward his motion, and take the sense of the house upon it."

Mr. Powis
advises to
defer the
motion for
removal
of the
ministry.

After further debate on the subject, which was participated in by *Mr. Fox*, *Mr. Burke*, *Lord North*, and others, *Lord Surrey* rose and said, "that his private opinion was that his motion ought still to be put, for

Lord Sur-
rey re-
serves his
motion.

American
independ-
ency in
Great
Britain,
1778-82.

House of
Commons,
March 20,
1782.

Debate on
the remov-
al of the
ministry.

Sir R.
Smith in-
tended to
second the
motion.

Mr. C.
Turner.

Mr. Fox
withdraws
his motion.
Lord
North
withdraws
his ques-
tion.

Monday,
March 25.

Mr. Dun-
ning an-
nounces a
change of
ministry.

all that had been said by the noble lord was no argu-
ment against it; but the house being of another opin-
ion, he was ready to submit: But he must now say,
that as a right honorable gentleman (*Mr. Rigby*) had
pledged himself to support him on Monday, in case
any deception should be practiced, he gave notice,
that should that appear to be the case, and any part
of the present administration remain, he would, on
Monday, come forward with a motion, not the same
as he intended to have moved, which was in substance
to complain of administration, and to resolve on an
address for a change, but a very, *very different motion*
indeed!"

This declaration was supported by cries of "Hear
him! hear him!" from every side of the house.

Sir Robert Smith said, "that he had intended to
second the motion which was to have come before the
house this day; and feeling a similar resentment if he
should be deceived, he would certainly second any
motion which spoke the anger of this house."

Mr. Charles Turner rose to deliver his sentiments,
but the clamor was so great, and his voice being weak,
he could not be heard.

Mr. Fox now withdrew his motion, "that the Earl
of Surrey do now be heard;" and *Lord North* with-
drew his first question of adjournment, and moved the
house to adjourn to Monday morning next, which was
immediately complied with, and the house rose at six
o'clock. *Adjourned to Monday, March 25th.*

Monday, March 25th, 1782. The house was very
greatly crowded, as a rumor prevailed that at twelve
o'clock the negotiation for a new ministry was not
concluded: As soon as the private business was over,

Mr. Dunning rose and said, "it was with peculiar
satisfaction he found himself enabled, through some
communication he had had this day with a most re-
spectable member of the upper house, to inform gen-
tlemen that arrangements were now making for form-

ing a new administration, which he trusted would meet the wishes of the house, and of the nation at large. In order, therefore, to give time for the final adjustment of those arrangements, he would move an adjournment of the house till Wednesday.

American
independ-
ency in
Great
Britain,
1777-82.

Lord Surrey expressed "his satisfaction at hearing that such arrangements were likely to take place as would render it unnecessary for him to trouble the house with his intended motion. He cautioned gentlemen, however, to beware of thinking that their work was complete: A new administration, he said, was not their sole object; it was desirable only inasmuch as it would contribute to save the state: But the ship was not yet in port, and he was afraid that the united efforts of the greatest abilities of their statesmen, and the greatest exertions of their officers, would be barely able to save her.

House of
Commons,
Mar. 25th,
1782.

Lord Sur-
rey ex-
presses
satisfac-
tion at the
announce-
ment.

On the question being put, the house adjourned to Wednesday, March twenty-seventh, inst.

The house
adjourns.

In the House of Lords, *the Earl of Shelburne* stated, "that he had on this day intended to have made a motion for the removal of his majesty's ministers: He trusted that their lordships would agree with him that there were the most just and solid grounds for such a motion, and consequently that he had not for slight or frivolous reasons, caused their lordships to be summoned this day. The deplorable state into which the army had sunk; the wretched condition of the navy, once the pride and bulwark of the nation, and the terror of our enemies; the distracted state of our finances, which are nearly exhausted; the glory and reputation of the country sullied and almost destroyed; were subjects that afforded an ample field for melancholy reflection, and fully justified the trouble he had given their lordships to attend this day. But, above all, the state in which the country had been for the last three weeks, strongly

House of
Lords,
March 22,
1782.

The Earl
of Shel-
burne on
the re-
moval of
the min-
istry.

Condition
of the
country.

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The Earl
of Shel-
burne on
the re-
moval of
the min-
istry

Lord
North's
declara-
tion ques-
tioned.

argued the propriety of the motion, which, when he moved their lordships might be summoned, he had it in contemplation to make.

“His majesty’s first minister hath declared, that he held himself bound to obey the order which the House of Commons had, in its wisdom, made relative to the war in America; and yet the same minister had repeatedly professed that he did not understand that order. Sorry am I that the alarming situation of public affairs has made it necessary, either that the country should be completely ruined, or that the legislative should interfere with the executive power, and direct it how to act: But still more sorry am I, that, after such a disagreeable step had been made necessary, and taken, the administration of affairs should remain in the hands of those who pretended not to understand the meaning of the House of Commons: It was, therefore, to remove such men from his majesty’s councils, that I had resolved to make the motion which it was my intention to have submitted this day to the consideration of your lordships. But as I understand that the object of the motion is already answered, it rests with this house to determine whether it would be more proper to make it, or to suppress it. For my own part, I am free to say, that I no longer think it necessary. A noble lord in the other house has said, (and at the same time he informed that house that he spoke from the highest authority,) that his majesty’s ministers were no more in office; or, if in office, that they remained only to transact official business. I do not doubt the truth of the assertion; but when I reflect that the noble lord (*North*) to whom I allude has so completely rooted out of the minds of the people every degree of confidence in his word, it is not surprising that there should exist, as there certainly does exist, men who cannot bring themselves to believe that administration is at an end, or that what that noble lord has said might be relied on: I confess, at the

same time, that I admit the propriety of their diffidence in that minister's word. I myself do not entertain a doubt but the declaration he has made to the other house is founded in truth: Because I think that to attempt to deceive parliament by such a declaration, is so scandalous, so hazardous, and so dangerous a measure, that I believe not one of his majesty's ministers can be found so hardy as to resort to it. If I should be mistaken in this opinion, which I trust I am not, I would go as far as the power of parliament would permit me, to punish their audacity.

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independ-
ency in
Great
Britain,
1777-82.

House of
Lords,
March 22,
1782.

"*Taking it then for granted*, that the object of the motion is already attained, I think it would be inexpedient to press it upon your lordships; and that it would be proper to wait until the wisdom of his majesty shall form such an administration as may carry with them the confidence of the people, save the empire from destruction, and rescue the character of the nation from contempt. When such an administration shall be formed, I pledge myself to give them my most firm and cordial support as long as they shall act in conformity with those principles which I have uniformly maintained in this house: I have in my political character acted always upon principle, and upon principle I shall continue to act to the last moment of my life. I will not say more; this is not a time for professions: The times are critical and dangerous: Men must soon be known by their acts, and not by their professions."

The Earl
of Shel-
burne on
the remov-
al of the
ministry.

Pledges
himself to
the support
of a right-
minded
ministry.

The motion was suppressed for the present by his lordship, and the House of Lords adjourned to the twenty-fifth inst.* In the interim a new Cabinet was announced.†

Waives his
motion.

† The new Cabinet was as follows, viz.:

Marquis of Rockingham—First Lord of the Treasury.

Earl of Shelburne, } Joint Secretaries of State.
Mr. Fox, }

Lord John Cavendish—Chancellor of the Exchequer.

Admiral Keppel, created a Viscount—First Lord of the Admiralty.

* J. De-
brett's Par-
liamentary
Register,
1782.

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THE PERMANENT UNION

American
independ-
ency in
Great
Britain,
1777-82.

The new
adminis-
tration,
March,
1782.

The basis
of its con-
struction.

Thus terminated the war of the nation against the government, of the parliament against Lord North's administration; and with it terminated the more disastrous conflict of arms which had so well nigh overthrown the empire of Great Britain. Peace had long been the desire, and was now the earnest hope and craving of the people. But it had become evident to all thoughtful and reflecting men of all parties, that there could be no peace short of a relinquishment of all claim of sovereignty over America. This was the basis on which the new administration was inaugurated and came into power. And although there seemed to be differences of opinion in the new cabinet, as to the competency of recognizing the independence of the United States of America, whether before or after opening negotiations for peace; still it was seen and felt by all, that the question itself could not be avoided, or set aside, or long postponed with safety. It was a matter of self-preservation of much greater moment to the kingdom and people of Great Britain than it was to the people of America.

Embar-
rassments
in the new
cabinet.

But under the new order of things the *Marquis of Rockingham* suddenly deceased. *Mr. Fox*, one of the new Secretaries of State, and *Lord John Cavendish*, the new Chancellor of the Exchequer, as suddenly withdrew from the appointment. The whole nation was now distressed with anxiety on account of the reputed divisions in the new cabinet of which these resignations seemed to be the bitter fruit. Vast numbers of spectators therefore crowded into the House of Commons on the ninth day of July, when, it was rumored, the reasons for these withdrawals would be given.

House of
Commons,
July 9th.

Duke of Grafton—Lord Privy Seal.

Lord Camden—President of the Council.

Duke of Richmond—Master-General of the Ordnance.

Lord Thurloe—to continue Chancellor.

General Conway—Commander-in-Chief of the Forces.

Mr. Dunning—Chancellor of the Duchy of Lancaster, and created Baron Ashburton.

Mr. Fox, in the course of a debate upon another matter then before the house, alluded to his having been recently one among his majesty's new confidential advisers; and avowed, "that the first grand principle with which the new administration set out was, *that they should offer to America unlimited, unconditional, independence, as the basis of a negotiation for peace*, and finding a difference of opinion existing on this subject in the new cabinet, he felt bound in all consistency to withdraw, and did withdraw."

American independency in Great Britain 1777-82.

Mr. Fox explains his withdrawal.

The Earl of Shelburne, joint Secretary of State with *Mr. Fox*, was promoted to the vacancy created by the death of the *Marquis of Rockingham*;* and although he had always been opposed to American independency, yet on being elevated to that responsible position, at a crisis like the present, he recognized the necessity of somewhat modifying his own opinions in respect to the mode of accomplishing the desired peace. It was before the Earl's elevation to the position of the first lord of the treasury was announced, that *Mr. Fox* withdrew from the cabinet. It was after it that he (*Mr. Fox*) made the above avowal in the house; in reply to which, *General Conway* declared "that it was the opinion of the cabinet to give full, unconditional, and unlimited independence to America."

The Earl of Shelburne's promotion.

Is in favor of American independency.

Gen. Conway declares it the policy of the new cabinet.

Mr. Fox, in reply, said, "that he could not undertake to say what was now the opinion of the cabinet. He never heard it from the Earl of Shelburne in the cabinet, but he could assure the house that it was not the opinion of the cabinet when he made the determination to resign. But if it was now the opinion of the cabinet, he congratulated his country on the conse-

Mr. Fox, in reply.

* In the new arrangement of the cabinet, the Earl of Shelburne to be first Lord of the Treasury, vice the Marquis of Rockingham, deceased.

Lord Grantham, } Principal Secretaries of State,

T. Townshend, } vice the Earl of Shelburne and *Mr. Fox*.

Honorable Wm. Pitt, Chancellor of the Exchequer, vice Lord Cavendish.

American
independ-
ency.

House of
Commons,
July 9th,
1782.

Gen. Con-
way reit-
erates his
declara-
tion.

Mr. Fox,
in reply.

quences of his resignation ; for he (Mr. Fox) had been able to do more towards the deliverance of his country by resigning his post, than he was able to effect with all the force of argument when he remained in."

General Conway reiterated the assurance, that independence to the thirteen states of North America was to be the basis of all their negotiations with them ; that they were *to be treated as independent* in the very mode of carrying on these negotiations.

Mr. Fox replied again, that it was now a week since he had the honor to be one of their number. A general conversion might have been lately wrought on them. They were not, he repeated, agreed on any such system when he knew them.

Mr. Fox continued to defend himself for so hastily leaving the cabinet, and attributed to the Earl of Shelburne, a change of sentiment, in view of his recent elevation, which amounted to an inconsistency, or want of principle, which he himself was incapable of. He was evidently chagrined with the thought, that if he had remained in the cabinet he might have been the subject of that promotion which had fallen to the lot of the noble Earl.

Gen. Con-
way de-
fends the
new cabi-
net.

General Conway replied briefly, saying, "he must beg the honorable gentleman's (*Mr. Fox's*) pardon for observing, that in mentioning Lord Shelburne's merit, in respect of his advice and its effect upon his majesty, he was certainly not a little mistaken ; for he would please to observe that the independence of North America had never been made a question in this house. It was on this account the more necessary to discuss the question with his majesty ; which having been done repeatedly by the first lord of the treasury, (*Shelburne*,) he had been able to convince his royal master, that a declaration of American independence was, from the situation of this country, and the necessity of the case, the wisest and most expedient measure that government, from the pressure of present circumstances, could

The king
convinced
of the
necessity
of recog-
nizing
American
independ-
ence.

possibly adopt. He must think it greatly to his lordship's honor, who had, in this instance, done more than all his predecessors could do before him: Therefore it was a satisfactory reason in his own mind that nothing less than such a measure in its utmost latitude was certainly meant by the cabinet."*

American
independ-
ency in
Great
Britain,
1777-82.

House of
Lords,
July 10th,
1782.

The policy of the new administration was further set forth in the House of Lords, on the tenth day of July, 1782. Upon a motion to adjourn, made after the transaction of private business,

The Duke of Richmond, immediately arose, and said, that as he considered this was the last day of their meeting previous to the prorogation, he could not consent to the question for adjourning, until he should have said a few words to their lordships on the late revolution which had taken place in his majesty's councils. He commenced by eulogizing the late *Marquis of Rockingham*, attributing to his decease the dissolution of the unanimity in the new cabinet. He then alluded to the resignations of *Mr. Fox* and *Lord John Cavendish*, and continued to say, "it was now proper for him to give his reasons for not having followed the example of these two very respectable persons. There had been laid down certain principles which he conceived to have been the basis of the administration that was formed on the ruins of that which had been overturned, in a great measure, by the great powers of one of the two characters (*Mr. Fox*) he had alluded to. He had not hitherto observed, and he had been watchful on that head, the least deviation from any one of these fundamental principles. As long therefore as he should find that by these principles the noble lord near him, (the *Earl of Shelburne*,) now at the head of the treasury, should conduct the measures of his administration; so long he should conceive it to be his duty to give him every support in his power: But the moment he should discover in him an intention to abandon those principles, from that moment he

Policy of
the new
adminis-
tration,
stated by
the duke
of Rich-
mond.

Explains
the divis-
ions in the
cabinet.

* J. De-
brett's Par-
liamentary
Register
1782.

American independ-
ency in
Great
Britain,
1777-82.

would stand foremost in the most determined opposi-
tion to his government. These principles were,
 "1. The independence of America.
 "2. That a plan of reform should be adopted in all
the departments under the crown.

House of
Lords,
July 10th,
1782.

"3. That the influence of the crown in parliament
was to be diminished.

Policy of
the new
adminis-
tration,
stated by
the duke
of Rich-
mond.

"The first of these great principles, was *the inde-
pendence of America*. The new administration had
come in on this express ground, that peace with America
was to be obtained at any rate. That is to say, in plain
English, that the independence of America should not
stand in the way of so desirable an object as peace with
that country. It was not intended that this country

The great
principle,
one of
peace with
America.
American
independ-
ency not to
hinder it.

should submit to any humiliating terms; but *peace was
to be obtained at any rate*. From this principle he had
not yet perceived the least deviation, and consequently
he saw no reason why he should withdraw himself from
councils, which, he conceived, were governed by the
letter and spirit of the original stipulation of the cabi-
net with the king. And here he felt it incumbent on
him to declare, that his majesty had performed with a
religious scrupulosity all that he had promised; and
had not once manifested the least symptom of a desire
to deviate from his stipulations. He was thoroughly
satisfied that no change was intended by his majesty to
be made in the cabinet foamed at the downfall of the
late ministry; and he verily believed that no change
would have been made, if the fatal event to which he
had already alluded had not made it necessary. *Peace
with America* was certainly the most pressing object at
present, and he firmly believed it to be the object near-
est the hearts of all his majesty's ministers. Various
might be the means of obtaining this great point; but
though there might be a difference of opinion as to the
means, he was satisfied that they were all united as to
the end. The session was now drawn to its conclusion,
and nothing of course could be now done by parlia-

ment relative to America ; but this much he must declare, that it was his firm opinion, *that this country could not be safe if before the end of the next session an act should not pass to declare America independent.*

American
Independ-
ency in
Great
Britain,
1777-82.

The Earl of Shelburne rose next, and after thanking the noble duke for his good opinion of him, and remarking on his position in the new cabinet, proceeded to say "it had been insinuated, that he had changed

House of
Lords,
July 10th,
1782.

his opinion relative to the independence of America. But this was not the fact: His opinion on that subject was still the same that it had ever been: He had declared it often, and he would repeat it now in the most public and explicit manner. It had ever been his

Policy of
the new
adminis-
tration,
stated by
the Earl of
Shelburne.

opinion that *the independence of America would be a dreadful blow* to the greatness of this country; and that when it should be established, *the sun of England might be said to have set*: He had always therefore laboured to prevent so fatal a misfortune from befalling his country: He had used every effort in public and in private, in England and out of it, to guard it from so dreadful a disaster: But now the fatal necessity of seeing it fall upon us appeared in full view; and to

Compelled
by necessi-
ty to con-
cede inde-
pendence.
See page
784.

necessity he might be obliged to give way, but to nothing short of necessity would he give way on that head: And when he should have done it, he would confess that *the greatest misfortune had arrived that had ever befallen Great Britain*. But while he felt the necessity of giving way to unavoidable misfortunes, he was free to say, that it was his firm opinion the melancholy event had been hastened by the rash and precipitate advice that had been so frequently given by some people, some years ago; to acknowledge an independence which then might have been destroyed in the bud. It had been insinuated elsewhere, that had his principles been known relative to American independence, the people of America would be backward to treat with him for peace; but he had learned sufficient by the information he received during the last two months

This ne-
cessity has-
tened by
former
conces-
sions.

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July 10th,
1782.

Policy of
the new
adminis-
tration
stated by
the Earl of
Shelburne.

Resolved
to have
peace with
America at
any rate.

that he was Secretary of State, and since, that there was no man with whom the Americans would more willingly treat than himself. As to the steps that had been already taken towards a peace with America, his lordship entreated their lordships would give him credit when he assured them, that the principle laid down *relative to peace with America at any rate*, and which had been so correctly stated by the noble duke, had not in the smallest degree been departed from. The despatches on that subject must remain secret for the present, but the day would come when the publication of them could not be attended with any injury to the public. To that day he looked with an earnest anxiety: He trusted it was not far distant: He hoped he would be able to lay them upon the table of both houses of parliament early in the ensuing session when, he was convinced, their lordships and the public would be satisfied that the insinuations thrown out, relative to a change of system in America, were totally without foundation.

“The language of despondency which had been so often held, had never, in his opinion, been productive of any good. He would have the world know, that though this country should have received *a fatal blow by the independence of America*, still there was a determination to improve every opportunity, and to make the most vigorous exertions to prevent the court of France from being in a situation to dictate the terms of peace: *The sun of England would set with the loss of America*, but it was his resolution to improve the twilight, and to prepare for the rising of England’s sun again, and he hoped she would see many, *many more* happy days.

The Duke
of Rich-
mond on
independ-
ency and
the war.

The Duke of Richmond rose again, and said, “as to the independence of America; he thought it, as well as the noble lord near him, *a very great misfortune* to the kingdom; but he thought it would be a *still greater misfortune* to attempt to keep America dependent

against her own will: And he thought the most absurd and extravagant way that could possibly enter the head of a madman, was, to endeavor to bring America to a dependence upon this country by putting the people of it out of the protection of the laws; for where there was no protection there could be no allegiance.

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ency in
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Britain,
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Lords,
July 10th.
1782.

The Earl of Shelburne again rose, and said—"as to the American war, he had ever been as great an enemy to it as the noble Duke: He had always contended, that it was unjust in its principle, because it militated against that great maxim of our constitution which declares, that English subjects in whatsoever quarter of the globe, had a right to the benefit of the British constitution, the most boasted and peculiar franchise of which was, *to be governed by those laws only which they themselves had enacted either in person, or by their representatives.* That war was now at an end: No minister could, if he were mad enough to desire it, prosecute it any longer: The resolutions of parliament, and the general sense of the nation, were against it: And here he thought it proper to declare, in order to quiet the alarms that had been industriously raised in the minds of men, that nothing was further from his intention than to renew the war in America. The sword was sheathed, never to be drawn there again."

The Earl
of Shel-
burne on
the war.

Declares
the war
termin-
ated.

The House now *adjourned*.

On the next day, July eleventh, his majesty prorogued both houses of parliament, and in his speech said,—“The extensive powers with which I find myself invested to treat for reconciliation and amity with the colonies which have taken arms in North America, I shall continue to employ in the manner most conducive to the attainment of those objects, and with an earnestness suitable to their importance.”

Proroga-
tion of
parlia-
ment, July
11th. The
king's
speech.

Thus the exigent necessities of the kingdom of Great Britain compelled the resolution for peace with America at any rate: The crown craved it; the cabinet

The issue
closed.

American
independ-
ency in
Great
Britain,
1777-82.

courted it; the lords spiritual and temporal implored it; while the commons clamored, and the people raved, for *peace with America at any rate*.

The urgent
necessity
of peace.

The banker, by his profitless coffers and diminished dividends; the broker, by his scanty exchanges and depreciated bills; the merchant, by his accumulated and wasting importations; the shipper, by his unfreighted vessels and vacant wharves; the manufacturer, by his unsold wares and silent spindles and looms; the mechanic and the artisan, by the destitution of their homes: The operative and the laborer, thrown out of employment and into beggary or starvation in the streets: The peasant and the farmer impoverished and famishing in the fields: The judges on the bench, the advocates at the bar, and the attorneys at their desks: The inquisitions and presentments of jurors: Mayors and commonalties of cities: Priests and ministers of religion; patrons of science and the arts; professors and students of the universities; teachers and pupils of colleges, academies and schools: In fine, all classes, grades, and conditions of men, from one end of the empire to the other, sent up one united, earnest, wailing prayer, for *peace with America at any rate*.

The like was never before known in the political annals of any nation. The *plague* which years before had stricken so much terror into the heart of England produced no more agonizing anxiety in the minds of men; and no pestilence ever generated a wilder scene of desperation, than now marked the retribution which her unjust and cruel war with America had brought upon Great Britain. Indeed, the world has never yet been told how direful and appalling was the necessity which compelled its cessation, and forced the recognition of American independence. In the archives of the nation it stands confessed in the brief but comprehensive *resolution for peace with America at any rate*.

Peace with America, for that alone was peace with France. Peace with America, for that alone was peace with Spain. Peace with America, for that alone was peace with Holland. Peace with America, for that alone was peace with Europe. Peace with America *at any rate*, for by that alone could England be at peace within herself. Hence the new administration waited not for opportunity, but hastened to open a correspondence with the ministers plenipotentiary of America in their vicinity. They stayed not upon forms or ceremonies, but solicited a negotiation for peace. They stood not upon punctilios or terms, but *offered independence* as a basis for the negotiation.

American
independ-
ency in
Great
Britain,
1777-82.

It is a remarkable and striking fact connected with this part of our governmental history, that not one of all the eminent and gifted statesmen of England had the sagacity to foresee, how much her future greatness and riches would be promoted by the independence of the United States of America. The bare idea of relinquishing the sovereignty over them broke the heart of the illustrious *Earl of Chatham*, and he could not survive the prospect even of such a dismemberment of so splendid an empire. The gifted *Earl of Shelburne*, now the premier of England, while he summoned all his energies, and plied all his accomplishments and his eloquence, to rally the nation from its deep despondency, still gave utterance to the doleful lamentation that the *sun of England would set in obscurity behind the dark cloud of American independency*; whereas, it but marked her entrance upon a career of prosperity, glory, and greatness, far above and beyond anything she had ever before known. And all this was the labor and the reward of those faithful and far-seeing patriots, who, in the revolutionary congress of the United Colonies, purposed and wrought out the great scheme of our independence. Neither America, or mankind, have yet paid a competent tribute of acknowledgment for the debt they owe to the Fathers

The issue
closed.
American
independ-
ency tri-
umphant,
July, 1782.

of our Revolution; because neither the historian or the philosopher has ever fully disclosed to them its intricate achievement, its comprehensive relations, or its beneficent influences upon the welfare of the world.

PROVISIONARY ARTICLES OF PEACE.

Provisionary Articles for a treaty of peace between England and America, Nov., 1782.

The way being thus auspiciously prepared, and active negotiations set on foot, *Provisionary Articles of Peace* were "agreed upon and executed at Paris, on the thirtieth day of November, 1782, between *Richard Oswald, Esq.*, the commissioner of his Britannic Majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said majesty, on the one part: and *John Adams, Benjamin Franklin, John Jay*, and *Henry Laurens*, four of the commissioners of the said States, for treating of peace with the commissioners of his said Majesty, on their behalf, on the other part: To be inserted in and to constitute the Treaty of Peace* proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France; and his Britannic Majesty shall be ready to conclude such treaty accordingly."

* See the Definitive Treaty, post, page 844.

Preliminary Articles of peace between England and France, Jan. 20th, 1783.

The provisional articles of peace with America were followed by "Preliminary Articles of Peace between his Britannic Majesty and the Most Christian King" of France; which were signed by the plenipotentiaries of the respective powers, at Versailles, the twentieth day of January, 1783; "re-establishing sincere friendship between his Britannic Majesty and his Most Christian Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world."

Like "Preliminary Articles of Peace" were in like Preliminary manner executed, at the same time and place, "between his Britannic Majesty and the Most Catholic King" of Spain, "re-establishing sincere friendship between his Britannic Majesty and his Most Catholic Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world."

The preliminary articles between Great Britain and France were ratified and exchanged on the third, and those with Spain on the ninth day of February, in the same year. Accordingly his Britannic Majesty was ready to conclude a definitive treaty of peace with America, further preliminary to which an agreement was entered into between the ministers plenipotentiary of the United States of America and the minister plenipotentiary of his Britannic Majesty, at Paris, on the twentieth of January, 1783, for a cessation of hostilities.

Meanwhile, and until the provisional articles and agreement for a cessation of hostilities reached America, the Congress and the officers of the army were very busily engaged in directing preparations for another campaign. It does not appear that they at all anticipated so ready or so early a desire on the part of Great Britain to terminate the war; much less to concede its fruitlessness by proffers of peace, or by offering to recognize the independence of the new Confederacy. The information was conveyed to them in a letter and accompanying documents, transmitted from Paris by Dr. Franklin, in January, 1783. These papers were referred to the secretary for foreign affairs, (an office created under the Confederation,) who, on the eleventh day of April, 1783, reported the draft of a proclamation, which was agreed to by the Congress, as follows, viz.:

Preliminary
Articles of Peace
Between
England
and Spain.

Ratifica-
tions and
exchanges.

Cessation
of hostili-
ties agreed
upon, Jan.
20th, 1783.

Proceed-
ings in the
U. S. A.

Prepara-
tions for
another
campaign.

See next
page.

Proclamation by the congress of a cessation of arms, Apr., 1783.

“BY THE UNITED STATES OF AMERICA, IN CONGRESS
ASSEMBLED—A PROCLAMATION,

“*Declaring* the cessation of arms, as well by sea as by land, agreed upon between the United States of America and his Britannic Majesty; and enjoining the observance thereof:

Preliminaries between England and America.

“WHEREAS, *Provisional Articles* were signed at Paris, on the thirtieth day of November last, between the ministers plenipotentiary of the United States of America for treating of peace, and the minister plenipotentiary of his Britannic Majesty, to be inserted and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannic Majesty when terms of peace should be agreed upon between their most Christian and Britannic Majesties: AND WHEREAS, *preliminaries* for restoring peace between their Most Christian and Britannic Majesties were signed at Versailles, on the twentieth day of January last, by the ministers of their Most Christian and Britannic Majesties: AND WHEREAS, *preliminaries* for restoring peace between the said King of Great Britain and the King of Spain were also signed at Versailles, on the same twentieth day of January last: By which preliminary articles *it has been agreed*,

Between England and France.

Between England and Spain.

Stipulations for a cessation of hostilities.

“That as soon as the same were ratified, hostilities between the said Kings, their kingdoms, states, and subjects, should cease in all parts of the world: *And it was further agreed*, that all vessels and effects that might be taken in the Channel and in the North seas, after the space of twelve days from the ratification of the said preliminary articles, should be restored: That the term should be *one month* from the Channel and North seas, as far as the Canary Islands inclusively, whether in the ocean or the Mediterranean; two months from the said Canary Islands as far as the equinoctial line or equator; and lastly, five months

in all other parts of the world, without any exception or more particular description of time or place.

“AND WHEREAS *it was declared by the minister plenipotentiary* of the king of Great Britain; in the name and by the express order of the king his master, on the said twentieth day of January last; that the said United States of America, their subjects and their possessions, shall be comprised in the above-mentioned suspension of arms, at the same epochs, and in the same manner as the three crowns above mentioned, their subjects and possessions respectively; *upon condition*, that on the part of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part:

“AND WHEREAS *the ministers plenipotentiary* of these United States, did, on the same twentieth day of January, in the name and by the authority of the said United States, accept the said declaration; and declare the said states should cause all hostilities to cease against his Britannic majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said majesty the king of Great Britain, his majesty the king of France, and his majesty the king of Spain, so and in the same manner as had been agreed upon between those three crowns, and to produce the same effects:

“AND WHEREAS *the ratifications of the said preliminary articles*, between their most Christian and Britannic majesties, were exchanged by their ministers on the third day of February last; and between his Britannic majesty and the king of Spain on the ninth day of February last:

“AND WHEREAS *it is our will and pleasure*, that the cessation of hostilities between the United States of America and his Britannic majesty, should be conformable to the epochs fixed between their Most Christian and Britannic majesties; we have thought fit to make

Proclamation by the congress of a cessation of arms, Apr., 1783.

Condition of the suspension of hostilities.

Acceptance of the declaration by the ministry of the U. S. A.

Exchange of ratifications between the several powers.

All acts of hostility prohibited.

Proclamation by the congress, of a cessation of arms, April 11th, 1783.

The Governors to make it public in the respective states.

known the same to the citizens of these states; *and we hereby* strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic majesty or his subjects, from and after the respective times agreed upon between their Most Christian and Britannic majesties as afore-said. *And we do further* require all governors and others; the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same may be duly observed within their several jurisdictions.

“Done in Congress, &c.”

Washington invited to an audience with the congress, Aug. 26th.

Hostilities having thus ceased, and there being no longer any call for active service in the field, the congress felt that the genius, the wisdom, and the virtue, which had so successfully planned and directed the operations of the war, might well be called to illumine and to guide the councils of the state in peace. The opinions and suggestions of Washington had always been received by the congress and throughout America with the greatest deference and respect, and were always sought for in times of difficulty and embarrassment. He probably influenced and guided the destinies of this country, by his correspondence with leading men in congress, and in the different colonial or provincial assemblies, quite as much as he did in his command of the officers and army in the conduct of the war. He was therefore now invited to visit the national legislature. On Monday, August twenty-fifth, 1783, being informed of his arrival in the neighborhood of Princeton, the Congress

“ORDERED, That he have an audience in congress tomorrow, at twelve o'clock.”

The next day, according to the order, General Washington attended, and being introduced by a committee

of two members, the president addressed him as follows: Washington in audience before the congress, Aug. 26th, 1783.

“SIR:—Congress feel particular pleasure in seeing your excellency and congratulating you on the success of the war, in which you have acted so conspicuous a part.”

“It has been the singular happiness of the United States, that during a war so long, so dangerous, and so important, Providence has been graciously pleased to preserve the life of a General, who has merited and possessed the uninterrupted confidence and affection of his fellow citizens. In other nations many have performed services for which they have deserved and received the thanks of the public. But, to you, Sir, peculiar praise is due: Your services have been essential in acquiring and establishing the freedom and independence of your country. They deserve the grateful acknowledgments of a free and independent nation. Those acknowledgments, congress have the satisfaction of expressing to your excellency.” Address of the president of the congress to Washington.

“Hostilities have now ceased, but your country still needs your services. She wishes to avail herself of your talents in forming the arrangements which will be necessary for her in the time of peace. For this reason your attendance at congress has been requested. A committee is appointed to confer with your excellency, and to receive your assistance in preparing and digesting plans relative to those important objects.”

To which General Washington replied:

“*Mr. President*,—I am too sensible of the honorable reception I have now experienced, not to be penetrated with the deepest feelings of gratitude. Notwithstanding congress appear to estimate the value of my life beyond any services I have been able to render the United States, yet I must be permitted to consider the wisdom and unanimity of our national councils, the firmness of our citizens, and the patience and bravery of our troops, which have produced so happy a termi- Washington's reply to the president of the congress.

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THE PERMANENT UNION

Washing-
ton in
audience
before the
congress,
Aug. 26th,
1783.

His reply
to the ad-
dress of the
president.

Proposes
to retire
to private
life.

nation of the war, as the most conspicuous effect of the Divine interposition, and the surest presage of our future happiness.

“Highly gratified by the favorable sentiments which congress are pleased to express of my past conduct, and amply rewarded by the confidence and affection of my fellow-citizens; I cannot hesitate to contribute my best endeavors towards the establishment of the national security in whatever manner the sovereign power may think proper to direct, until the ratification of the definitive treaty of peace, or the final evacuation of our country by the British forces: After either of which events, I shall ask permission to retire to the peaceful shades of private life.

“Perhaps, Sir, no occasion may offer more suitable than the present, to express my humble thanks to God, and my grateful acknowledgments to my country, for the great and uniform support I have received in every vicissitude of fortune, and for the many distinguished honors which congress have been pleased to confer upon me in the course of the war.”

The Definitive Treaty was executed at Paris in September, 1783, as follows, viz.:

Definitive
treaty
between
Great
Britain and
the U. S. A.
Sept., 1783.

DEFINITIVE TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA.

“*In the name of the Most Holy and undivided Trinity.* It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the third, by the Grace of God, king of Great Britain, France and Ireland, defender of the faith, Duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman Empire, &c.; and of the United States of America; to forget all past misunderstandings and differences, that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a

beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having, for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the thirtieth of November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded; His Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed—that is to say—his Britannic majesty on his part, DAVID HARTLEY, Esq., member of the Parliament of Great Britain; and the said United States on their part, JOHN ADAMS, Esq., late a commissioner of the United States of America, at the court of Versailles, late delegate in congress from the state of Massachusetts, and Chief Justice of the said state, and Minister Plenipotentiary of the said United States to their High mightinesses the States-General of the United Netherlands—BENJAMIN FRANKLIN, Esq., late delegate in congress from the state of Pennsylvania, president of the convention of the said state, and Minister Plenipotentiary from the United States of America at the court of Versailles; and JOHN JAY, Esq., late president of congress, Chief Justice of the state of New York, and Minister Plenipotentiary from the said United States at the court of Madrid; to be the Plenipotentiaries for concluding and signing the present DEFINITIVE TREATY; who, after having recipro-

Definitive
treaty
between
Great
Britain
and the
U. S. A.,
Sept., 1783.

Preamble.

Names of
commis-
sioners.

PART IV.

THE PERMANENT UNION

Definitive treaty between Great Britain and the U. S. A., Sept., 1783. cally communicated their respective full powers, have agreed upon and confirmed the following articles:

ARTICLE I. *His Britannic Majesty acknowledges the said United States, viz., NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND and PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, and GEORGIA, to be free, sovereign, and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights, of the same, and every part thereof.*

ARTICLE II. *And that all disputes, which might arise in future, on the subject of the boundaries of the said United States, may be prevented,* it is hereby agreed and declared, that the following are and shall be their boundaries, viz., from the north-west angle of Nova-Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River—thence down along the middle of that river to the forty-fifth degree of north latitude—from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy—thence along the middle of the said river into Lake Ontario, through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie—thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron—thence along the middle of said water communication—thence through the middle of said Lake to the water communication between that Lake and Lake Superiour—thence through Lake Superiour northward of the Isles Royal and Philipeaux to the Long Lake; thence

through the middle of said Long Lake, and the water communication between it and the Lake of the Woods to the said Lake of the Woods—thence through the said Lake to the most north-western point thereof, and from thence in a due west course to the river Mississippi—thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. SOUTH, by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche—thence along the middle thereof to its junction with the Flint river—thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic Ocean. EAST, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia.

Definitive
treaty of
peace be-
tween
Great
Britain
and the
U. S. A.,
Sept. 1783.

ARTICLE III. *It is agreed*, that the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all other Banks of Newfoundland, also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States shall have liberty to take

Fisheries.

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THE PERMANENT UNION

Definitive treaty of peace between Great Britain and the U. S. A., Sept. 1753. fish of any kind upon such part of the coast of Newfoundland, as British fishermen shall use (but not to dry or cure the same on that Island), and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's Dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Collection of debts. ARTICLE IV. *It is agreed*, that the creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona-fide debts heretofore contracted.

Restitution of confiscated estates. ARTICLE V. *It is agreed*, that congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in possession of his majesty's arms, and who have not borne arms against the United States; and that persons of any other description shall have free liberty to go to any part or parts of the Thirteen United States, and therein to remain twelve months unmolested, in their endeavours to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated: And that congress shall also earnestly recommend to the several states, a reconsideration and revision of all acts or laws respecting the premises, so as to render the said acts or laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace, should universally prevail: And that congress shall also earnestly

recommend to the several states, that the estates, rights, and properties, of such last mentioned persons, shall be restored to them, they refunding to any person who may now be in possession, the bona-fide price, (where any has been given,) which such persons may have paid, on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons, who may have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI. *That there shall be no future confiscations made,* nor any prosecutions commenced, against any person or persons, for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any further loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced, be discontinued.

ARTICLE VII. *There shall be a firm and perpetual peace* between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other: Wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty; and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property, of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place and harbour, within the same, leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored, and de-

Definitive
treaty of
peace be-
tween
Great
Britain
and the
U. S. A.,
Sept. 1783.

Prosecu-
tions and
confisca-
tions.

Perpetual
peace.

Withdraw-
al of the
British
forces.

Restora-
tion of
records,
deeds, etc.

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Definitive
treaty of
peace be-
tween
Great
Britain
and the
U. S. A.,
Sept. 1783.

livered to the proper states and persons to whom they belong.

ARTICLE VIII. *The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.*

Restora-
tion of
places cap-
tured after
date.

ARTICLE IX. *In case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring compensation.*

Ratifica-
tion and
exchange.

ARTICLE X. *The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.*

See ratifi-
cation,
p. 857,
post.

In witness whereof, we, the undersigned, their Ministers Plenipotentiary, have, in their name, and in virtue of our full powers, signed with our hands the present DEFINITIVE TREATY, and caused the seals of our arms to be affixed thereto. Done at Paris, September 3d, 1783.

L. S. DAVID HARTLEY,
L. S. JOHN ADAMS,
L. S. B. FRANKLIN,
L. S. JOHN JAY.

The jubilee
of Ameri-
can inde-
pendence,
1783.

The British troops evacuated November 25th, 1783, and here and thus terminated the American Revolution. Thus was consummated the great work of our national conception and deliverance. It was the triumph of reason over passion; of justice over prejudice; of humanity over oppression, cruelty, and wrong; and of religion over all. It introduced the brightest, and, save one yet to come, the most important epoch in our governmental history. It established the United States of

America upon as solid a basis of sovereignty as that which sustained any of the monarchies of Europe. The event was hailed with jubilant exultation by millions of rejoicing hearts on both sides of the Atlantic. It elevated the hopes of humanity everywhere, energized desponding nations, and gave assurances to mankind of years of freedom, prosperity, happiness, and plenty, such as the world had never before known. The morning stars again sang together, and all the intelligent universe of God shouted for joy, to see the new-born Confederacy take its place in the great family of nations, a recognized, distinctive, independent and sovereign POWER ON EARTH.

It was fitting, as well as characteristic, that those great and good men of the Congress, whose work it was, with the venerated Commander-in-chief of their armies in consultation, should, in this the very flush of their triumph, publicly avow their faith in that religion whose elements of freedom were the basis of their liberty and their independence.

In October, 1783, *Mr. Duane, Mr. S. Huntington,* Committee and *Mr. Holten,* were appointed a committee "to prepare a proclamation for a day of thanksgiving." They reported a draft on the eighteenth, which was read before the congress, and agreed to, as follows:

"BY THE UNITED STATES IN CONGRESS ASSEMBLED,
A PROCLAMATION.

"WHEREAS, *it hath pleased the Supreme Ruler* of all human events, to dispose the hearts of the late belligerent powers to put a period to the effusion of human blood, by proclaiming a cessation of all hostilities by sea and land; and these United States are not only happily rescued from the dangers and calamities to which they have been so long exposed; but their freedom, sovereignty, and independence ultimately acknowledged: AND WHEREAS, in the progress of a contest on which the most essential rights of human na-

The jubilee
of American
independence,
1783.

Committee
on a proclama-
tion
for a general
thanksgiving.

Proclama-
tion for a
general
thanksgiving
by the
congress,
Oct. 18th,
1783.

Recogni-
tion of the
special in-
tervention
of Provi-
dence.

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THE PERMANENT UNION

Proclamation for a general thanksgiving by the congress, Oct. 18th, 1783.

Their national blessings.

Recognition of Protestant Christianity.

Appeal for further protection and guidance.

ture depended, the interposition of Divine Providence in our favor hath been most abundantly and most graciously manifested, and the citizens of these United States have every reason for praise and gratitude to the God of their salvation: *Impressed therefore* with an exalted sense of the blessings by which we are surrounded, and of our entire dependence on that Almighty Being from whose goodness and bounty they are derived, THE UNITED STATES *in Congress assembled*, do recommend it to the several states, to set apart the second Thursday in December next as a day of *Public Thanksgiving*; that all the people may then assemble to celebrate with grateful hearts and united voices, the praises of their Supreme and All-bountiful Benefactor, for His numberless favors and mercies. That He hath been pleased to conduct us in safety through all the perils and vicissitudes of the war; that He hath given us unanimity and resolution to adhere to our just rights; that He hath raised up a powerful ally to assist us in supporting them, and hath so far crowned our united efforts with success, that in the course of the present year hostilities have ceased, and we are left in the undisputed possession of our liberty and independence, and of the fruits of our land, and in the free participation of the treasures of the sea; that He hath prospered the labour of our husbandmen with plentiful harvests; and above all, that He hath been pleased to continue to us the light of the blessed Gospel, and secured to us in the fullest extent the rights of conscience in faith and worship.

“And while our hearts overflow with gratitude, and our lips set forth the praises of our great Creator, that we also offer up fervent supplications, that it may please Him to pardon all our offences, to give wisdom and unanimity to our public councils, to cement the hearts of all our citizens in the bonds of affection, and to inspire them with an earnest regard for the national honor and interest; to enable them to improve the

days of prosperity by every good work, and to be lovers of peace and tranquillity; that He may be pleased to bless us in our husbandry, our commerce and navigation; to smile upon our seminaries and means of education; to cause pure religion and virtue to flourish, to give peace to all nations, and to fill the world with His glory.

Proclamation by the congress, disbanding the army, Oct. 18th, 1783.

“DONE *by* THE UNITED STATES *in* CONGRESS assembled. Witness His Excellency ELIAS BOUDINOT, *our* President, this eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States of America, the eighth.”

“BY THE UNITED STATES IN CONGRESS ASSEMBLED,
A PROCLAMATION.

“WHEREAS, in the progress of an arduous and difficult war, the armies of the United States of America have eminently displayed every military and patriotic virtue, and are not less to be applauded for their fortitude and magnanimity in the most trying scenes of distress, than for a series of heroic and illustrious achievements, which exalt them to a high rank among the most zealous and successful defenders of the rights and liberties of mankind; AND WHEREAS, *by the blessing of Divine Providence* on our cause and our arms, the glorious period is arrived when our national independence and sovereignty are established, and we enjoy the prospect of a permanent and honorable peace: WE THEREFORE, *the United States in Congress assembled*, thus impressed with a lively sense of the distinguished merit and good conduct of the said armies, do give them the thanks of their country, for their long, eminent, and faithful services: And it is our will and pleasure, that such part of the federal armies as stands engaged to serve during the war, and as by our acts of the twenty-sixth day of May, the eleventh day of June, the ninth day of August, and the twenty-sixth

Patriotism of the armies.

Recognition of Providence.

Thanks to the federal army.

PART IV.

THE PERMANENT UNION

Proclamation by the congress, disbanding the army, Oct. 18th, 1783. day of September last, were furloughed, shall, from and after the third day of November next, be absolutely discharged, by virtue of this our proclamation, from the said service.

Officers excused from further service.

"And we do also declare, that the further services in the field, of the officers who are deranged and on furlough, in consequence of our aforesaid acts, can now be dispensed with; and they have our full permission to retire from service without being longer liable, from their present engagements, to be called into command. And of such discharge and permission to retire from service respectively, all our officers, civil and military, and all others whom it may concern, are required to take notice, and to govern themselves accordingly.

"GIVEN under the seal of THE UNITED STATES, in Congress assembled. Witness his Excellency, ELIAS BOUNDINOT, *our President,* in Congress, this eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States of America, the eighth."

Washington surrenders his commission to the congress, Dec., 1783.

Among the crowd of distinguished and great men who figured so conspicuously in these closing scenes in the tragedy of our Revolution, there is no one whose acts and utterances so much interest our attention and elicit our admiration, as those of *George Washington*. There is something so peculiarly symmetrical and sublime in the character and career of this most wonderful of men, that everything he does compels veneration, and everything he says seems to carry with it the influence and the force of inspiration. The war being now entirely over, hostilities having utterly ceased, the forces of Great Britain being withdrawn, and the American army disbanded, he repairs to Annapolis to surrender back to the Congress the commission which clothed him with military power. Young America! behold the man, and emulate his great example.

He does not abruptly send in his commission and his resignation, to the congress, as if he had a right to tender and they were bound to accept them; but, in modest and respectful mien, he stands afar off, and informs them of his "arrival in the city, with the intention of *asking leave to resign* the commission he has the honor of holding in their service." He does not consult his own will, or pleasure, or convenience, as to the manner of doing it; but "desires to know their pleasure, in what manner it will be most proper to offer his resignation; whether in writing, or at an audience?"

Character-
istic pecu-
liarity of
the sur-
render.

On receipt of the letter, after it was read, the Congress

Saturday,
Dec. 20th.

"*Resolved*, That his excellency, the commander-in-chief, be admitted to a public audience, on Tuesday next, at twelve o'clock; and, that a public entertainment be given to the commander-in-chief, on Monday next."

On Tuesday, December twenty-third, according to order, his excellency was admitted to a public audience in congress; and being seated, the president, after a pause, informed him that the United States in Congress assembled, were prepared to receive his communications; whereupon he arose and addressed the congress, as follows, viz.:

Is admit-
ted to a
public au-
dience in
congress,
Dec. 23d.

"MR. PRESIDENT:

"The great events on which my resignation depended having at length taken place, I have now the honor of offering my sincere congratulations to congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to *claim the indulgence* of retiring from the service of my country. Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction, the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task; which, however, was super-

His ad-
dress to
congress
on the oc-
casion.

Washington surrenders his commission to congress, Dec. 23d, 1783.

seded by a confidence in the rectitude of our cause, the support of the supreme power of the union, and the patronage of Heaven.

"The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

His address on the occasion.

"While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge, in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of congress.

"I consider it an indispensable duty to close this last act of my official life, by commending the interests of our dearest country to the protection of Almighty God; and those who have the superintendence of them to His holy keeping.

"Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission and take my leave of all the employments of public life."

He then advanced and delivered to the president his commission with a copy of his address, and having resumed his place, the president returned him the following answer:

"SIR:

The president's answer to Washington's address.

"*The United States in congress assembled* receive, with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country to defend

its invaded rights, you accepted the sacred charge before it had formed alliances, and whilst it was without funds, or a government, to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence; on which happy event we sincerely join you in congratulations.

Washington surrenders his commission to congress, Dec. 23d, 1783.

“Having defended the standard of liberty in this New World; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

The president's answer to Washington's address.

“We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment.

“We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching Him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation: And, for you, we address to Him our earnest prayers, that a life so beloved may be fostered with all His care; that your days may be happy as they have been illustrious; and that He will finally give you that reward which this world cannot give.”

RATIFICATION OF THE DEFINITIVE TREATY.

On the fourteenth day of January, 1784, the Congress

Ratifica-
tion of the
Definitive
Treaty
with Great
Britain, by
the con-
gress, Jan.
14th, 1784.

took up the consideration of the report of the committee—consisting of Mr. Jefferson, Mr. Gerry, Mr. Ellery, Mr. Read, and Mr. Hawkins—to whom were referred the Definitive Treaty of peace between the United States of America and his Britannic Majesty, and the joint letter of the tenth of September, from Mr. Adams, Mr. Franklin, and Mr. Jay, and

“RESOLVED UNANIMOUSLY, nine states being present, that the said Definitive Treaty be, and the same is hereby, ratified by THE UNITED STATES *in Congress assembled*, in the form following, to wit:

“THE UNITED STATES IN CONGRESS ASSEMBLED:

Form of
ratifica-
tion.

“*To all persons to whom these presents shall come, greeting:* WHEREAS *definitive articles* of peace and friendship between the United States of America and his Britannic Majesty, were concluded and signed at Paris, on the third day of September, 1783, by the Plenipotentiaries of the said United States, and of his said Britannic Majesty, duly and respectively authorized for that purpose; which definitive articles are in the words following (articles inserted at length).*

* See the
articles,
ante,
p. 844.

“NOW KNOW YE, that *we the United States* in congress assembled, having seen and considered the definitive articles aforesaid, *have approved, ratified and confirmed, and by these presents do approve, ratify and confirm*, the said articles, and every part and clause thereof, engaging and promising, that we will sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

“*In testimony whereof*, we have caused the seal of the *United States* to be hereunto affixed.

“WITNESS His Excellency THOMAS MIFFLIN, *President*, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four; and in the eighth year of the sovereignty and independence of the United States of America.”

“RESOLVED, That the said ratification be transmitted with all possible dispatch, under the care of a faithful person, to our ministers in France, who have negotiated the treaty, to be exchanged. Resolution upon exchanges.

“RESOLVED, That a proclamation be immediately issued, notifying the said Definitive Treaty and ratification to the several states of the Union, and requiring their observance thereof, in the form following: Resolution for a proclamation.

“BY THE UNITED STATES IN CONGRESS ASSEMBLED,
A PROCLAMATION.

“WHEREAS *Definitive Articles of peace and friendship* Proclamation by the congress on the ratification of the definitive treaty, Jan. 14th, 1783.
between the United States of America and his Britannic Majesty, were concluded and signed at Paris, on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorized for that purpose ; which definitive articles are in these words, (articles inserted at length.) *And we, the United States in Congress assembled*, having seen and considered the definitive articles aforesaid, did, by a certain act under the seal of the United States, bearing date this fourteenth day of January, 1784, approve, ratify and confirm the same, and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should be in our power ; *And being sincerely disposed* to carry the said articles into execution, truly, honestly, and with good faith, according to the intent and meaning thereof ; *We have thought proper by these presents* to notify the premises to all the good citizens of these United States ; hereby requiring and enjoining all bodies of Magistracy, Legislative, Executive, and Judiciary ; all persons bearing office, civil or military, of whatever rank, degree or powers ; and all others the good citizens of these states, of every vocation and condition, that reverencing those stipulations entered into on See page 844.

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THE PERMANENT UNION

Proclamation on the ratification of the Definitive Treaty, Jan. 14th, 1784. their behalf, under the authority of that Federal Bond, by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world; and with that good faith which is every man's surest guide; within their several offices, jurisdictions and vocations, they carry into effect the said Definitive Articles and every clause and sentence thereof, sincerely, strictly, and completely.

"GIVEN *under the seal of the United States: Witness* His Excellency THOMAS MIFFLIN, our *President*, at Annapolis, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four: And of the sovereignty and independence of the United States of America, the eighth.

Accompanying recommendation to the states and people of the U. S. A. "RESOLVED, *unanimously*, nine states being present, *That it be, and it is hereby earnestly recommended* to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts, which were in possession of his Britannic majesty's arms, at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description, shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties as may have been confiscated.

To make their laws conformable. "*And it is also hereby earnestly recommended to the several states, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail.*

“And it is hereby also earnestly recommended to the several states; that the estates, rights and properties, of such last mentioned persons, should be restored to them, they refunding to any persons who may be now in possession, the bona-fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation.”

Restoration of confiscated estates.

“ORDERED, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several states by the Secretary.”

Resolution upon.

On the third day of June, 1784, congress adjourned, pursuant to a previous resolution, to meet at Trenton, in New Jersey, on the thirtieth day of October then next: And on the twenty-third day of October of the same year, at Trenton, the following ordinance was passed, viz.:

Provision for a federal town.

“BE IT ORDAINED, by the United States in Congress assembled, that three commissioners be appointed with full power to lay out a district of not less than two nor exceeding three miles square, on the banks of either side of the Delaware, not more than eight miles above or below the lower falls thereof, for a federal town. That they be authorized to purchase the soil or such part of it as they may judge necessary, to be paid at proper installments; to enter into contracts for erecting and completing, in an elegant manner, a federal house for the accommodation of congress, and for the executive offices thereof: A house for the use of the president of congress; and suitable buildings for the residence of the secretary of foreign affairs; secretary at war; secretary of congress; secretary of the marine; and officers of the treasury: That the said commissioners be empowered to draw on the treasury of the United States for a sum not exceeding one hundred thousand dollars for the purpose aforesaid: That in choosing a situation for the buildings, due regard be had to the

Commissioners to be appointed.

Their authority and powers.

Public departments.

PART IV.

THE PERMANENT UNION

The congress adjourned to meet thereafter in New York City. accommodation of the states with lots for houses, for the use of their delegates respectively: That on the twenty-fourth day of December instant, congress stand adjourned to meet at the City of New York, on the eleventh day of January following, for dispatch of public business, and that the sessions of congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception: DONE, &c.

“*December 24th*, 1784. The congress adjourned; to meet in the City of New York, on the eleventh day of January, 1785.

THE COMPACT OF THE CONFEDERATION,

The compact of the confederation. Under which the colonies became states, and their union as a nation was made perpetual, proved utterly defective as the basis of a national administration. There

The government under it. was no new organization of the general government under it, other than the appointment of secretaries for the different departments, who stood in the relation of special committees appointed by congress, for the regulation of the foreign and home departments in the administration of public affairs. Their responsibilities and duties were defined and limited more by the current exigences of the day, than by any specific delegation, or distribution, of their powers. Besides these there was

The committee of the states. a *Committee of the States* appointed under the ninth article, but its sessions were restricted to the recess of congress; and its powers were such only “as might be exercised by seven states in congress assembled, *except* those of sending ambassadors, ministers, envoys, residents or consuls: Establishing rules for deciding what captures by land or water should be legal; and in what manner prizes taken by land or naval forces, in the service of the United States, should be divided or appropriated: Establishing courts for the receiving and determining, finally, appeals in cases of capture: Constituting courts for deciding disputes and differences arising between two or more states: Fixing the stand

Its powers and jurisdiction.

ard of weights and measures for the United States; changing the rate of postage on the papers passing through the post-office established by congress; and of repealing or contravening any ordinance or act passed by congress; or appointing civil or military officers, unless to supply the places of such within the United States as the committee may suspend for misconduct; or to fill up vacancies which may happen, by death, resignation, or otherways, within the said states, *provided* such appointments shall not continue more than one month after the assembling of the next congress, unless confirmed by them. In case matters of importance were brought to their notice which were not within their jurisdiction, the committee were required to appoint a day for the meeting of the congress, prior to that to which it stood adjourned, and to give notice thereof to the supreme executive of the respective states: These powers were not specifically defined, nor was any such committee actually appointed by the congress, until May, 1784. But it does not appear that the Committee ever acted with any particular efficiency, in any of the premises.

The compact of the confederation.

Limitation of appointments by the committee of the states.

Power of committee to convene the congress.

It is easy for us to discover the defects of the Confederation, comparing it, as we may, with the record of its inefficiency, and the more successful operation of the present constitution. But when we consider the embarrassments in which it originated; when we think of the difficulties which were encountered in its formation; when we remember how few were the sources whence light could be drawn to illumine the councils of its framers; and how wholly they were without any experience to demonstrate the impracticability of the plan of administration comprehended in its provisions, we cease to wonder at its inefficiency.

Defects of the confederation how to be regarded.

The peculiar circumstances under which a frame of government was called for; the grievances and oppressions which the colonies had sustained, and were still smarting under, from the arbitrary enactments of par-

Complicities of its origin.

The compact of the confederation.

liament, and the measures of administration in England, rendered them extremely jealous of any authority to be erected whose powers should, in any degree, restrict or control their own legislation. The delegates of the nation, therefore, found themselves in a situation at once new and peculiar. They could look upon the history of other republics as beacons to warn indeed, but not as lights to guide. The one for which they were called upon to legislate was without its precedent or its parallel in the world's history. They were not yet, in fact, states. Their independence was neither achieved, nor recognized by any nation, although the maintenance of their position in relation to it was guaranteed by France. Without the settled consciousness of nationality, they could not know what might be their national wants or necessities. Hitherto they had understood the benefits of union only as *dependent colonies*, and with reference merely to restraining or resisting the arbitrary extension of its authority, by a power to which they acknowledged and confessed all due allegiance; and from which they had not even thought of separating themselves. But now that they had, by the declaration of their independence, virtually severed the tie of their political relationship with the parent state, they became extremely doubtful and cautious with what attributes they should clothe their own *national administration*.

See PART III., pp. 536, 562, 570, 571.

Causes of its inefficiency, reservation of powers to the states.

These reflections introduce us at once to the causes which produced the main defects in the Confederation. It will be observed as the most pernicious of all its provisions, that in the states respectively, was reserved the right and the power of carrying out the decrees of the congress, and executing them upon the people within their respective jurisdictions; while the general government, the Congress, had no power by which it could enforce the states themselves to comply with its measures. The evil might, perhaps, have been avoided, had the question been, as it really should have been,

not what powers shall the states yield up to the congress, (if the congress were to be the general government,) but, on which shall fall that superintending sovereignty which was but lately admitted to reside in the crown and parliament? They were a nation only in their capacity of *united states*. In this capacity alone had they declared themselves sovereign and independent. If they were to continue this national capacity—and without it, when the confederation was adopted, they were nothing but dependent and revolting colonies—the object desired was, to erect a government which should be invested with those very attributes of sovereignty which were thus wrested from the crown; subject only to such restrictions as might, peradventure, arise from the peculiar relations of the parties to the compact.

Their national capacity, the basis of their independence. See pages 738, 740.

Had the Colonies themselves been wholly independent of each other when they proclaimed their independence of Great Britain, then the sovereignty exercised over each of them, by the parent state, would undoubtedly have reverted to each respectively. Then they might, rightfully, have considered themselves severally invested with the absolute and unqualified attributes of sovereignty. But there never was a time, in all their past history, when they had not been subject either to Great Britain, or to the Congress. And at the very time their independence was declared, as we have seen, each and every one of them had, by the very necessities of their situation, and by its own voluntary acquiescence in the exercise of the powers the congress necessarily assumed, subjected itself to the direction and control of a general government which was virtually vested with these very prerogatives of sovereignty. The revolutionary congress, the nation's congress, the authorized representatives of the whole American people, had thus already assumed and exercised the powers of sovereignty heretofore belonging to the crown and parliament, and no one ever once thought of questioning the

Colonial and state sovereignty.

PART IV.

THE PERMANENT UNION

Mutual de- validity of their proceedings, or resisting their au-
pendence thority.*
of the colonies.

Besides this, it is historically true, that the colonies had oftentimes manifested and declared their dependence upon each other, before they declared their independence of Great Britain. Indeed their severalty, so far as their political relations with Great Britain and with one another were concerned, was merged in their general Colonial Union under the martial manifesto. And Patrick Henry spoke truly as well as patriotically when he exclaimed in the Congress of 1774—"All America is thrown into one mass! Where are your landmarks; your boundaries of colonies? They are all thrown down. The distinctions between Virginians, Pennsylvanians, New-Yorkers, and New-Englanders, are no more! *I am not a Virginian, but an American!*"*

* See Sto-
ry, Kent.

* Cited, 1
Irving's
Washing-
ton, 398.

But in order to understand more fully the nature and extent of the relative dependence of the several colonies upon each other, we must refer to their earlier history. As far back as the year 1643, we find that Articles of Confederation, to secure their general welfare and mutual protection, were entered into by the colonies of New England. These articles will better illustrate the necessity and importance of their union, as it was understood and felt by themselves; and are less liable to question, than any argument I might advance in support of the proposition; and I therefore give them entire, the typography alone being somewhat changed.

"ARTICLES OF CONFEDERATION

The New
England
confedera-
tion, 1643

"Betwixt the plantations under the government of the *Massachusetts*; the plantations under the government of *Plimouth*; the plantations under the government of *Connectecut*; and the government of *New Haven*; with the plantations in combination therewith:

Preamble.

"Whereas, we all came into these parts of America, with one and the same end and ayme, namely, to advance the kingdome of our Lord Jesus Christ, and to

enjoy the liberties of the Gospel, in purity with peace ; Mutual dependence of the colonies.
And whereas, in our settling, by a wise providence of God, we are further dispersed on the sea-coasts and rivers than was at first intended, so that we cannot (according to our desire) with convenience communicate in one government and jurisdiction : *And whereas*, we live encompassed with people of severall nations, and strange languages, which hereafter may prove injurious to us and our posterity : *And forasmuch* as the natives have formerly committed [3] sundry insolencies and outrages upon severall plantations of the English, and have of late combined themselves against us : *And seeing* by reason of the sad distractions in *England*, which they have heard of, and by which they know we are hindered both from that humble way of seeking advice, and reaping those comfortable fruits of protection, which, at other times, we might well expect : *We therefore* do conceive it our bounden duty, without delay, to enter into a present Consotiation amongst ourselves, for mutual help and strength in all our future concernments, that, as in nation and religion, so in other respects, we be, and continue, *one*, according to the tenour and true meaning of the ensuing Articles :

“I. *Wherefore it is fully agreed and concluded*, by Covenant of union. and between the parties, or jurisdictions above named, and they doe joyntly and severally by these presents, agree and conclude, That they all be, and henceforth be called by the name of, *The United Colonies of New England*.

“II. *The said United Colonies*, for themselves and Its duration, object and aims. their posterities, doe joyntly and severally hereby enter into a firm and *perpetual league* of friendship and amity, for offence and defence, mutuall advice and succour, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel, and for their own mutuall safety and wellfare.

“III. *It is further agreed*, that the plantations which Severalty.

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THE PERMANENT UNION

Mutual de- at present are, or hereafter shall be, settled within the
pendence of the limits of the *Massachusetts*, shall be forever under the
of the government of the *Massachusetts*; and shall have pec-
colonies. u- liar jurisdiction amongst themselves, as an intire
body; and that *Plimouth*, *Connecticut*, and *New Haven*,
shall each of them, in all respects, have the peculiar
jurisdiction and government within their limits. And
in reference to the plantations which already are set-
tled, or shall hereafter be erected and shall settle within
any of their limits respectively, *provided* that no other
jurisdiction shall hereafter be taken in, as a distinct
head, or member of this Confederation; nor shall any
other either plantation or jurisdiction, in present being,*
and not already in combination, or under the jurisdic-
tion of [4,], any of these Confederates, be received by
any of them; nor shall any two of these confederates,
joyn in one jurisdiction, without consent of the rest;
which consent to be interpreted as in the sixt ensuing
Article is expressed.

The New
England
confedera-
tion, 1643.

* Rhode
Island was
excluded;
see ante;
PART II.,
pages
340, 359.

Charges
for war,
their ap-
portion-
ment.

General
census.

“IV. *It is also by these confederates agreed*, That the
charge of all just wars, whether offensive or defensive,
upon what part or member of this Confederation soever
they fall, shall both in men, provisions, and all other
disbursements, be borne by all the parts of this Con-
federation, in different proportions, according to their
different abilities, in manner following, namely: That
the commissioners for each jurisdiction, from time to
time, as there shall be occasion, bring a true account
and number of all the males in each plantation, or in
any way belonging to, or under their severall jurisdic-
tions, of what quality or condition soever they be,
from sixteen years old, to threescore, being inhabitants
there. And that according to the different numbers,
which from time to time shall be found in each jurisdic-
tion, upon a true and just account; the service of
men, and all charges of the war be borne by the poll:
Each jurisdiction, or plantation, being left to their own
just course, and custome, of rating themselves, though

the Confederation take no notice of any such privilege. And that, according to the different charge of each jurisdiction, and plantation, the whole advantage of the war, (if it please God so to bless their endeavours,) whether it be in lands, goods, or persons, shall be proportionally divided among the said Confederates.

Mutual dependence of the colonies.

The New England confederation, 1643.

“ V. *It is further agreed*, That if any of these jurisdictions, or any plantation under, or in combination with them, be invaded by any enemy whatsoever, upon notice, and request of any three magistrates of that jurisdiction so invaded; the rest of the confederates, without any further meeting or expostulation, shall forthwith send ayde to the confederate in danger, but in different proportion, namely, *Massachusetts* one hundred men sufficiently armed and provided for [5] such a service, and journey; And each of the rest five and forty men, so armed and provided, or any lesse number, if lesse be required, according to the proportion. But if such a confederate may be supplied by their next confederate, not exceeding the number hereby agreed, they may crave help there, and seek no further for the present. The charge to be borne as in this *Article* is expressed. And at their return to be victualled, and supplied with powder and shot (if there be need) for their journey, by that jurisdiction which employed, or sent them. But none of the jurisdictions to exceed these numbers, till by a meeting of the commissioners for this confederation, a greater ayde appear necessary. And this proportion to continue, till upon knowledge of the numbers in each jurisdiction, which shall be brought to the next meeting some other proportion be ordered. But in any such case of sending men for present ayde, whether before or after such order or alteration; *it is agreed* that at the meeting of the commissioners for this confederation, the cause of such war, or invasion, be duly considered; and if it appear that the fault lay in the party so invaded, that then, that jurisdiction, or plantation, make

Provision for mutual defence.

In case the war is unjust, no contribution.

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Mutual de- just satisfaction, both to the invaders, whom they have
pendence injured, and bear all the charges of the war themselves,
of the colonies. without requiring any allowance from the rest of the
confederates toward the same.

The New England confederation, 1643. “*And further*, if any jurisdiction see any danger of
an invasion approaching, and there be time for a meet-

Notice of approach- ing inva- sion. ing; that in such case, three magistrates of that juris-
diction may summon a meeting, at such convenient
place, as themselves shall think meet, to consider, and
provide against the threatened danger. *Provided*, when
they are met, they may remove to what place they please,
only while any of these four confederates, have but
three magistrates in their jurisdiction, a request or sum-
mons, from any two of them, shall be accounted of
equall force, with the third mentioned in both the
clauses of this *Article*, till there be an increase of magis-
trates there.

General federal commis- sioners. “VI. [6] *It is also agreed*, That for the managing
and concluding of all affairs proper to, and concerning,
the whole confederation, two commissioners shall be
chosen by and out of the four jurisdictions, namely,

Their num- ber and qualifica- tions. two for the *Massachusetts*, two for *Plimouth*, two for
Connecticut, and two for *New-Haven*, being all in church
fellowship with us, which shall bring full power from
their severall generall courts respectively, to hear, ex-
amine, weigh, and determine, all affairs of war, or peace,
leagues, aydes, charges, and numbers of men of war,

Their pow- ers and duties. division of spoyles; or whatsoever is gotten by con-
quest; receiving of more confederates, or plantations,
into combination with any of these confederates; and
all things of like nature, which are the proper concom-
itants, or consequences of such a confederation; for
amity, offence, and defence, not intermeddling with the
government of any of the jurisdictions, which by the
third *Article* is preserved entirely to themselves. But
if these eight commissioners, when they meet, shall not
all agree, yet it is concluded, that any six of the eight
agreeing, shall have power to settle and determine the

businessse in question. But if six doe not agree, then such propositions, with their reasons, so far as they have been debated, be sent, and referred to the foure generall courts, viz.: the Massachusets, Plimouth, Connecticut and New-Haven. And if at all the said generall courts the businessse so referred, be concluded, then to be prosecuted by the confederates, and all their members.

“It is further agreed, That these eight commissioners shall meet once every year, besides extraordinary meetings, according to the fifth *Article*, to consider, treat, and conclude of all affaires belonging to this confederation, which meeting shall ever be the first *Thursday* in September. And that the next meeting after the date of these presents, which shall be accounted the second meeting, shall be at Boston in the Massachusets, the third at Hartford, the fourth at New-Haven, the fifth at Plimouth, the sixth and seventh at Boston, and then Hartford, New-Haven, and Plimouth, and so in course successively. If, in the mean time, some middle place be not found out, and agreed on, which may be commodious for all the jurisdictions.

“VII. [7] It is further agreed, That at each meeting of these eight commissioners, whether ordinary or extraordinary; they all, or any six of them agreeing as before, may choose a president out of themselves, whose office and work shall be, to take care, and direct for order, and a comely carrying on of all proceedings in the present meeting. But he shall be invested with no such power or respect, as by which he shall hinder the propounding or progresse of any businessse, or any way cast the scales, otherwise than in the precedent *Article* is agreed.

“VIII. It is also agreed, That the commissioners for this confederation, hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or opportunity, doe endeavor to frame and establish agreements and orders in generall cases of a civil

Mutual dependence of the colonies.

The New England confederation, 1643.

Federal commissioners to meet annually in Sept.

Place of future meetings.

May choose a president.

His duties.

The commissioners to devise a general federal code.

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THE PERMANENT UNION

Mutual dependence of the colonies. The New England confederation, 1643.

nature, wherein all the plantations are interested, for preserving peace amongst themselves, and preventing (as much as may be) all occasions of war, or differences with others, as about the free and speedy passage of justice in each jurisdiction, to all the confederates equally as to their own; receiving those that remove from one plantation to another, without due certificates; how all the jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaction, least war break in upon the confederates through such miscarriages.

Fugitives from service to be delivered up.

"*It is also agreed*, That if any servant run away from his master, into any other of these confederated jurisdictions, that in such case, upon the certificate of one of the magistrates in the jurisdiction, out of which the said servant fled, or upon other due proof, the said servant shall be delivered either to his master, or any other that pursues, and brings such certificate or proof.

Fugitives from justice also.

And that upon the escape of any prisoner whatsoever, or fugitive, for any criminall cause; whether breaking prison, or getting from the officers, or otherwise escaping; upon the certificate of two magistrates of the jurisdiction out of which the escape is made, that he was a prisoner, or such an offender at the time of the escape; The magistrates, or [8] some of them of that jurisdiction, where for the present the said prisoner or fugitive abideth, shall forthwith grant such a warrant, as the case will bear, for the apprehending any such person, and the delivery of him into the hand of the officer, or other person who pursueth him. And if help be required for the safe returning of any such offender, it shall be granted unto him that craves the same, he paying the charges thereof.

The war-making power.

"IX. *And for that* the justest wars may be of dangerous consequence, especially to the smaller plantations in these *United Colonies*: *It is agreed* that neither the *Massachusetts*, *Plimouth*, *Connecticut*, nor *New Haven*, nor any of the members of any of them, shall at any

time hereafter, begin, undertake, or engage themselves, or this confederation, or any part thereof, on any war whatsoever, (sudden exigents with the necessary consequences thereof excepted, which are also to be moderated, as much as the case will permit,) without the consent or agreement of the forenamed commissioners, or at least six of them, as in the sixth *Article* is provided. And that no charge be required of any of the confederates in case of a defensive war, till the said commissioners have met, and approved the justice of the war, and have agreed upon the sum of money to be levied; which sum is then to be paid by the several confederates, in proportion, according to the fourth *Article*.

Mutual dependence of the colonies.

The New England confederation, 1648.

“X. *That in extraordinary occasions*, when meetings are summoned by three magistrates of any jurisdiction, or two as in the fifth *Article*, if any of the commissioners come not, due warning being given or sent, *it is agreed*, that four of the commissioners shall have power to direct a war which cannot be delayed, and to send for due proportions of men, out of each jurisdiction, as well as six might doe, if all met, but not less than six shall determine the justice of the war, or allow the demands, or bills of charges, or cause any levies to be made for the same.

Extraordinary occasions.

“XI. *It is further agreed*, that if any of the confederates shall hereafter break any of these present *Articles*, or be any other way injurious to any one of the other jurisdictions, such breach of agreement, or injury, [9] shall be duly considered, and ordered by the commissioners for the other jurisdictions, that both peace and this present confederation, may be entirely preserved without violation.

Breaches of these articles, how treated.

“LASTLY *this perpetual confederation* and all articles and agreements thereof, being read and seriously considered, both by the generall court for the Massachusetts, and by the commissioners for Plymouth, Connecticut, and New Haven, were presently and fully allowed and confirmed by three of the forenamed con-

Confirmation and adoption.

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Mutual dependence of the colonies. federates, namely, the Massachusetts, Connecticut, and New Haven: *In testimony whereof*, the generall court of the Massachusetts, by their secretary; and the commissioners for Connecticut and New Haven, subscribed them the 19 day of the third month, commonly called *May, Anno Domini* 1643.

Articles executed by Mass., Connecticut, and New Haven, May 19, 1643.

Further time given to Plymouth.

Ratified by Plymouth.

"Only the commissioners from Plymouth, having brought no commission to conclude, desired respite to advise with their generall court, which was granted; and at the second meeting of the Commissioners for the Confederation, held at Boston in *September* following, the commissioners for the jurisdiction of Plymouth, delivered in an Order of their generall court, dated the 29 of *August*, 1649, by which it appeared that these Articles of Confederation were read, approved, and confirmed, by the said court, and all their townships, and their commissioners authorized to ratify them by their subscriptions, which they accordingly did, the 7 day of *September*, 1643."*

Plan for a general union of the colonies proposed at Albany in 1754.

Again while a Convention, composed of delegates from the several colonies, was sitting at Albany, for the purpose of conferring with the *Five Nations* of Indians, with a view to form an alliance with them, in order more effectually to resist the encroachments and invasions of the French; they at the same time devised the plan of *a general union of the colonies*. The delegates from Maryland, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and New Hampshire, with the lieutenant-governor and council of New York, appointed a committee of one member from each colony

* These Articles are transcribed from a copy of the first printed edition of the laws, &c., of New Haven, published for the use of that colony in London, 1656; which may be found in that excellent and valuable compilation of "Records of the Colony or Jurisdiction of New Haven from May, 1653, to the Union with Connecticut," by Charles J. Hoadley, Esq., the present State Librarian of the State of Connecticut.

to draft a plan for this purpose. The following was reported and adopted by the convention :

Mutual dependence of the colonies.

PLAN FOR A COLONIAL UNION, 1754.

“ It is proposed that humble application be made for an act of parliament of Great Britain, by virtue of which *one general government* may be formed in America, including all the colonies ; within and under which government each colony may retain its present constitution, *except* in the particulars wherein a change may be directed by the said act as hereinafter follows.

Plan for a general union of the colonies proposed at Albany in 1754.

I. That the said general government be administered by a president-general, to be appointed and supported by the crown ; and a grand council to be chosen by the representatives of the people of the several colonies, met in their assemblies.

II. That within ——— months after passing such act, the houses of representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the grand council in the following proportion, that is to say ; Massachusetts Bay, 7. New Hampshire, 2. Connecticut, 5. Rhode Island, 2. New York, 4. New Jersey, 3. Pennsylvania, 6. Maryland, 4. Virginia, 7. North Carolina, 4. South Carolina, 4. Total, 48.

III. The grand council shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the president-general as soon as conveniently may be after his appointment.

IV. That there shall be a new election of the members of the grand council every three years ; and that on the death or resignation of any member, his place shall be supplied by a new choice at the next sitting of the assemblies of the colony he represented.

V. That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of member

Mutual dependence of the colonies. to be chosen for each colony shall, from time to time, in all ensuing elections, be regulated by that proportion; yet so as that the number to be chosen by any one province be not more than seven, nor less than two.

Plan for a general union of the colonies, proposed at Albany in 1754. VI. That the grand council shall meet once in every year, and oftener if occasion requires, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the president-general, on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

VII. That the grand council have power to choose their speaker, and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time; without their own consent, or the special command of the crown.

VIII. That the members of the grand council shall be allowed for their services ten shillings sterling per diem, during their session, and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

IX. That the assent of the president-general be requisite to all acts of the grand council; and that it be his office and duty to cause them to be carried into execution.

X. That the president-general, with the advice of the grand council, hold or direct all Indian treaties in which the general interest of the colonies may be concerned; and make peace or declare war with Indian nations.

XI. That they make such laws as they judge necessary for regulating all Indian trade.

XII. That they make all purchases from the Indians for the crown, of lands not now within the bounds of particular colonies; or that shall not be within their bounds, when some of them are reduced to more convenient dimensions.

XIII. That they make new settlements on such purchases, by granting lands in the king's name, reserving a quit-rent to the crown, for the use of the general treasury. Mutual dependence of the colonies.

XIV. That they make laws for regulating and governing such new settlements, until the crown shall think fit to form them into particular governments.

XV. That they raise and pay soldiers, build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the legislature.

XVI. That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just, (considering the ability and other circumstances of the inhabitants in the several colonies,) and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens. Plan for a general union of the colonies, proposed at Albany in 1754.

XVII. That they may appoint a general treasurer and particular treasurer in each government, when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.

XVIII. Yet no money to issue but by joint orders of the president-general and grand council, except where sums have been appropriated to particular purposes, and the president-general has been previously empowered, by any act, to draw for such sums.

XIX. That the general accounts shall be yearly settled and reported to the several assemblies.

XX. That a quorum of the grand council, empowered to act with the president-general, do consist of twenty-five members; among whom there shall be one or more from the majority of the colonies.

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XXI. That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council, for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

XXII. That in case of the death of the president-general, the speaker of the grand council for the time being shall succeed, and be vested with the same powers and authorities, to continue until the king's pleasure be known.

Plan for a general union of the colonies, proposed at Albany, 1754.

XXIII. That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the president-general; but the approbation of the grand council is to be obtained before they receive their commissions. And all civil officers are to be nominated by the grand council, and to receive the president-general's approbation before they officiate.

XXIV. But in case of vacancy, by death, or removal of any officer, civil or military, under this constitution, the governor of the province in which such vacancy happens, may appoint until the pleasure of the president-general and grand council can be known.

XXV. That the particular military as well as civil establishments, in each colony, remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any colony may defend itself, and lay the accounts of expense thence arising before the president-general and grand council, who may allow and order payment of the same as far as they judge such accounts reasonable.”*

*American Archives.

Objections to it.

This plan of union, though earnestly proposed, was never sanctioned. It was objected to in England as hazardous to the supremacy of the mother country, and in America as conceding too much power to the

crown and parliament of Great Britain. I refer to these records of colonial history, simply as indicating the sentiments of the several colonies respecting the nature and the necessity of their dependence upon each other; and as demonstrating the fact, that they had at all times felt and understood that their mutual interests and safety could be truly and effectually secured and promoted only by their GENERAL UNION. This is also clearly illustrated in all their subsequent history. It was by their union that they had interposed the most formidable and effective resistance to the encroachments of parliament, and the aggressions of the crown. Without this, all their aims and efforts to procure a redress of their grievances would have been wholly wasted. To dissolve their union, to destroy the harmony of their general associations, and to set them in hostile array against each other, was the desire, and had long been the persevering aim, of the ministry of Great Britain. Their past history, therefore; the causes which had brought about the revolution; the necessities which compelled the declaration of their independence; and the very circumstances under which that independence was declared; had originated, and combined to establish between them, ties of political relationship, of mutual reliance or dependence, which could not thereafter with reason, justice, or propriety, be called in question. It was collectively that they had declared themselves an independent nation; and as one great nation, inseparably united, they pledged themselves to one another, and to mankind, to achieve and to maintain a national independence. It would have been a violation of this solemn pledge, and of the faith with which they had encouraged the whole American people not only, but also the whole world, to confide in this pledge, had any one of them thereafter departed from its provisions. The compact of independency was a compact of nationality made with human nature with the whole family of man upon

Mutual dependence of the colonies.

See PART III., pp. 536, 537 and 562, 738, 740.

The compact of national independency, 1776

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THE PERMANENT UNION

The mutual dependence of the colonies necessitated their union.

See ante, p. 750.

See ante, pp. 675, 686.

Further necessity of their union.

earth. It was in this their national capacity, comprehended under the designation of *United States*, that they procured a treaty of amity and alliance with France; that they secured the sympathy and friendship of other nations; that they obtained loans to carry on the war. It was in this capacity that their union received the sacred and irrevocable seal of perpetuity under the Confederation. The very terms upon which the unoccupied lands claimed by the several colonies were ceded to the United States, so called, are evidence of their sense of mutual dependence, as well as their conviction of the necessity and importance of their perpetual and indissoluble union. New York granted her western territory on the express condition and reservation, that it should be held and appropriated for the use and benefit of such states as should become members of the proposed perpetual federal alliance, and *for no other use or purpose whatsoever*. Suppose this alliance to have ceased, to have lost its character of perpetuity; suppose the union to have been dissolved; would not the title to these territories revert again to the state of New York? Would not the same be true of the lands ceded by Virginia? Or by Massachusetts? Or by Connecticut? Or by any other of the original colonies? It was under the conviction, and in the capacity, of their perpetual union alone, that these cessions were made. It was under this conviction that their independency was acknowledged by the crown, and parliament, and people of Great Britain. They averred its character of perpetuity, and the necessity of it, in all their deliberations on the Confederation, and in their credentials of authority to their delegates in congress to ratify the same.

Hence it was essential to the preservation of their faith at home, their integrity abroad, their respectability everywhere; aye, to their very existence as an independent nation, that they should continue *united*. To perpetuate their union, as well as to establish their

nationality, it was also essential that they should erect a national government. And it was equally essential that that government should possess all the attributes and prerogatives of sovereignty, within the sphere over which its administration was to operate. Consequent to their union and this necessity, was produced the singular anomaly of the constituent parts of a nation brought into competition with the nation itself, for these abeyant powers of sovereignty.

Defects of the compact of the confederation.

The necessity of a national sovereignty.

Hence the very ground of controversy, as I have before remarked, which poisoned the provisions of the compact of the confederation, and rendered it wholly incompetent to the ends and the uses it was intended to accomplish. It was the reservation, (if powers which they never possessed could be said to be reserved,) it was rather the conveyance to the states in severalty, of those powers of sovereignty which did belong, and must necessarily belong, and which ought to have been admitted to belong, to the general government however designated, which rendered it a lifeless and inefficient organization. It was like the spirit breathing in a paralyzed and helpless frame. The essentials which constituted an animate being were there, while the power which alone rendered them useful or available was taken away. The political sovereignty of the general administration was acknowledged, and a supremacy of power inherent in its existence as an independent national element, was admitted, while at the same time the states were clothed, each one by itself respectively, with the very powers which were a component part of the attributes of sovereignty and independence.

State sovereignty conferred by the confederation.

Hence, again, it resulted that the powers reserved to the Congress under the Confederation, were merely declaratory. It was simply a legislative administration. It was without the authority requisite to carry into full or effective operation any measure which it might deem necessary for the general good. It must

Consequences of the confederation.

Defects of resort to the states, severally and respectively, for their
 the com- approbation of its measures. Independently of a
 pact of the concurrent and harmonious action of the state legisla-
 confeder- tures, it could not exercise any executive powers. In
 tion. other words, it was a government whose executive
 authority was vested in thirteen states, each claiming
 to be an independent and exclusive sovereignty, and
 with either of which a variety of construction, of local
 interests, or of sectional rivalry, might operate to pro-
 duce embarrassment, if not open hostility to its ordi-
 nances.

True, congress was invested with power to originate,
 to recommend, and in some instances to adopt, but this
 availed nothing where there were so many considera-
 tions to justify a non-compliance, and to create a dif-
 ference of opinion even, on the part of those to whom
 it must look to give life and efficiency to its ordinances
 and enactments. Such differences of opinion might,
 and in practice did, exist in perfect consistency with
 the purest patriotism and the best intentions in the sev-
 eral states. Each yielding to the persuasions of imme-
 diate and local advantage, might naturally enough feel
 itself justified in disregarding the enactments of the
 general government, or give to them a construction
 equally destructive of their aim.

Originated
 in the sov-
 ereignty it
 conceded
 to the-
 states.

Thus congress was reduced to the mere pageantry of
 power. It might pass laws, but it could not compel
 their observance. No authority was expressly reserved
 to enforce obedience to its mandates; and such power
 could not be implied, while each state claimed for itself
 the exercise of every power, right, and jurisdiction, not
 expressly delegated to congress. The necessary and
 unavoidable result was, that its enactments were a nul-
 lity, alike disregarded by the states and set at nought
 by individuals. Each and every one complied or re-
 fused compliance, as interest or feeling prompted, and
 no transgressor apprehended any dangerous or fearful

consequences from a body which had no power to punish, whose sovereignty was, *vox et preterea nihil*.

Another serious defect in the system established by the compact of the confederation was, that there was no power in the congress, or the general government, to provide a revenue to meet its current expenses. It could ascertain what sums were necessary to be raised for this purpose, and designate the proportion to come from each state; but the power to levy and collect the same was expressly given to the states. It is impossible for us, at this day, to understand all the mischiefs which resulted from this part of the system during the war. To know them in their full and thrilling reality we must make ourselves familiar with all the thousand details of the revolutionary struggle. Had not the Congress resorted to foreign laws, that revolution might, perhaps, never have been accomplished.

“The principal powers of the general government under the Confederation,” says Justice Story, “respected the operations of war, and would be dormant in time of peace. In short, congress, in peace was possessed of but a delusive and shadowy sovereignty, with little more than the empty pageantry of office. They were indeed clothed with the power of sending and receiving ambassadors, and entering into treaties and alliances; of appointing courts for the trial of felonies and piracies on the high seas, and of regulating the public coin, of fixing the standard of weights and measures, of regulating post-offices, of borrowing money and emitting bills on the credit of the United States, of ascertaining and appropriating the sums necessary for defraying the public expenses, and of disposing of the western territory; and most of these powers required the assent of nine states. But it possessed not the power to *raise* any revenue, to *levy* any tax, to *enforce* any law, to *secure* any right, to *regulate* any trade, or even the poor prerogative of commanding means to pay its own ministers at a foreign court.

Defects of the compact of the confederation.

Deficiency of power in congress to provide a revenue.

Summary by Justice Story.

PART IV.

THE PERMANENT UNION

Defects of the compact of the confederation. They could contract debts, but were without the means to discharge them. They could pledge the public faith, but they were incapable of redeeming it. They could enter into treaties, but every state in the union could disobey them with impunity. They could constitute courts for piracies and felonies on the high seas, but they had no means to pay either the judges or the jurors. In a word, all powers which did not execute themselves, were at the mercy of the states, and might be trampled upon at will and with impunity."

Expression of by John Jay. In the more summary and expressive language of John Jay, "they might *declare* everything, and *do* nothing."

By the Federalist. "The United States, under the Confederation," says The Federalist, "have an indefinite discretion to make requisitions for men and money; but they have no authority to raise either, by regulations extending to the individuals of America. The consequence of this is, that though in theory their resolutions concerning these objects are laws constitutionally binding on the members of the union; yet, in practice, they are mere recommendations, which every state may observe or disregard at its option."

And again, says the same authority, "the concurrence of thirteen distinct sovereignties is requisite, under the Confederation, to the complete execution of every important measure which proceeds from the union; and congress at this time scarcely possesses the means of keeping up the powers of administration till the states can have time to agree upon a more substantial substitute for the present shadow of a federal government."

Chief Justice Marshall. "A government," says Chief Justice Marshall, "authorized to declare war, but relying on independent states for the means of prosecuting it: capable of contracting debts, and of pledging the public faith for their payment, but dependent on thirteen distinct sovereignties for the preservation of that faith, could only

be saved from ignominy and contempt by finding those sovereignties administered by men exempt from the passions incident to human nature.”

Defects of the compact of the confederation.

These citations, while they pourtray the radical errors existing in the compact of the confederation, serve also to illustrate the causes which made that system of administration such as it was, and which rendered it so feeble and so defective: I repeat again, it was the controversy which arose between the several colonies, or states, and the general government sought to be established, as to the general powers of sovereignty. And why this controversy? There was no such thing as independent state sovereignty outside of the provisions of the Confederation. There was no such thing as a state organization before the declaration of independence: And there never was any such thing in America as an independent colonial sovereignty. Whence, then, originated this idea of sovereignty in the state independent of the compact for their general union? And upon what is it based? It was their compact of union alone, incomplete as it may have been before the confederation, which transformed the British provinces in America from a state of colonial vassalage to the condition of independency and freedom. Not a special, subdivided, or several independency, but an independency based upon the specific and substantial idea of *national unity*. The truth is, that this idea of exclusive state sovereignty was originally the suggestion of the enemies of freedom in America, to prevent, if possible, the compact of permanent union under the Confederation: It was the artful invention of the ministerial power in England to destroy the harmonious union of the states during their transition from a state of vassalage to one of independency. I have shown how it embarrassed and delayed the ratification of the articles of confederation in the several colonies: And we now see how, while the states claimed for themselves those prerogatives, and aimed to restrict the

The idea of state sovereignty, whence originated.

See ante, pp. 685, 739, 740.

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Defects of the compact of the confederation. powers of the national administration, a government was erected whose executive authority was dependent on their will and deliberations.

State sovereignty and the general government.

If we could suppose it to operate at all, such a government must necessarily experience great embarrassment in its operations. For could we suppose the unanimous consent of these several bodies to its enactments, that each was ready and eager promptly to execute them, it would yet be long before the ordinary forms of their administration could bring to its aid the most needful requisitions; and promptitude, especially in the then circumstances of the nation, was essential to the successful termination of its measures. But this is supposing what it was impossible, in the natural course of things, could exist, where there was so much occasion for diversity. It could not be expected, where the several states were liable to be swayed each by its respective sectional aims, or by political rivalry, that unanimity would prevail, or that a government so dependent could be preserved. Experience had proved its fearful inefficiency during the war of the revolution; and after peace was proclaimed and established; after the perplexities and anxieties, and more pressing sense of mutual dependence incident to the war, were allayed; after the primary object of their union was accomplished, and the power of the crown was wholly exterminated; after their independence was definitely conceded by the parent state; the states were ready with plausible pretexts for evading the requisitions of congress.*

* Marshall, Story, Kent.

The summary.

The accumulating difficulties originating under such a system of administration, and the consequently increasing embarrassments of the general government, if it could be called such, left scarcely a vestige of hope that it could long be respected or preserved. The treasury, which was never full, was now entirely exhausted; and the responsibilities were constantly multiplying, while the public faith was gone, of a nation,

still struggling for independence, and burthened with a debt of \$42,000,375, the annual interest of which was \$2,415,956; which consisted chiefly of loans obtained from France and Holland; and the remainder from its own citizens, who had also periled their lives, and poured out their blood, and nobly fought for its redemption.

Defects of the compact of the confederation.

Yet few seem to have been moved by these alarming symptoms of ruin and decay which were rapidly developing around them. The earliest suggestion which was made of the inefficiency of the compact of the confederation as an instrument of government, emanated from the legislature of New York, in July, 1782, almost as soon as it had any being. Concurrent resolutions were introduced in the senate of that state, by General Schuyler, and passed both houses, wherein it was declared, that "the radical source of most of the existing embarrassments, was the want of sufficient power in congress; that the confederation was defective in several important points; and particularly in not vesting the federal government, either with a power of providing a revenue for itself, or with ascertained and productive funds; that its defects could not be repaired, nor the powers of congress extended, by partial deliberations of the states separately; and that it was advisable to propose to congress to recommend, and to each state to adopt, the measure of assembling a *general convention of the states*, specially authorized to revise and amend the articles of confederation."

New-York suggests the inefficiency of the confederation, July, 1782.

This was followed by a resolution of the congress, wherein it was declared, "that it is the opinion of congress, that the establishment of permanent and adequate funds on taxes or duties, which shall operate generally, and on the whole in just proportion, throughout the United States, are indispensably necessary towards doing complete justice to the public creditors; for restoring public credit; and for providing for the further exigencies of the war."

Resolution of congress upon the suggestions of New-York, Feb. 12th, 1783.

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THE PERMANENT UNION

Defects of
the com-
pact of the
confedera-
tion.

Subsequently to this a resolution was passed, "that it be recommended to the several states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy for the use of the United States, the following duties upon goods imported into the said states from any foreign port, island, or plantation, viz. :
Upon all rum of Jamaica proof, per gal., 4-90ths of a doll.
Upon all other spirituous liquors, 3-90ths do.
Upon Madeira wine, . . . 12-90ths do.
Upon all other wines, . . . 6-90ths do.
Upon common Bohea tea, per lb., 6-90ths do.
Upon all other teas, . . . 24-90ths do.
Upon pepper, per lb., . . . 3-90ths do.
Upon brown sugar, per lb., . . . $\frac{1}{2}$ -90th do.
Upon loaf sugar, . . . 2-90ths do.
Upon all other sugars, . . . 1-90th do.
Upon molasses, per gallon, . . . 1-90th do.
Upon cocoa and coffee, per lb., 1-90th do.

A system
of general
revenue
proposed
to the
states by
congress,
April 18th,
1783.

"Upon all other goods, a duty of *five per ct. ad valorem*, at the time and place of importation :

Duration
and appro-
priation of
this reve-
nue.

"These articles to continue for twenty-five years; and the revenue thence accruing to be applied, solely and exclusively, to the payment of the principal and interest of the public debt. The collectors to be appointed by the states, but to be amenable to and removable by congress alone."

Permanent
requisi-
tions on
the states.

It was further "*recommended* to the several states to establish, for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted by the United States for supporting the war, substantial and effectual revenues of such nature as they may judge most convenient, for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the afore-mentioned duties; which proportion shall be fixed and equalized, from time to time, according to the rule which is or may be, prescribed by the articles of con-

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federation : And in case the revenues established by any state, shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it: And in case the revenues of any state shall be found to be deficient, the immediate deficiency shall be made up by such state with as little delay as possible ; and a future deficiency guarded against by an enlargement of the revenues established. *Provided*, that until the rule of the Confederation can be carried into practice, the proportions of the said 1,500,000 dollars shall be as follows, viz. :

New-Hampshire,	\$52,708	Defects of the compact of the confederation. System of general revenue proposed to the states by congress, April 18th, 1783. Apportionment on the states.
Massachusetts,	224,427	
Rhode Island,	32,318	
Connecticut,	132,091	
New-York,	128,243	
New-Jersey,	83,358	
Pennsylvania,	205,189	
Delaware,	22,443	
Maryland,	141,517	
Virginia,	256,487	
North-Carolina,	109,006	
South-Carolina,	96,183	
Georgia,	16,030	

“The said last-mentioned revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected, and an annual account thereof rendered. That none of the preceding resolutions shall take effect *until all of them shall be acceded to by every state* ; after which unanimous accessions, however, they shall be considered as forming *a mutual compact among all the states*, and shall be irrevocable by any one or more of them without the concurrence of the whole, or of a majority of the United States in Congress assembled,” and

“That as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, *it be recommended to the*

The cession of western lands.

PART IV.

THE PERMANENT UNION

Defects of the compact of the confederation. *states*, which have passed no acts towards complying with the resolutions of congress of the sixth of September and tenth of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended; and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."

See ante, pages 713, 752, 754, and part 904.

These resolutions were accompanied with another, proposing to the states an amendment of the eighth of the articles of confederation, so as to establish a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury.

These resolutions were also accompanied by an address prepared by a committee consisting of *Mr. Madison*, *Mr. Ellsworth*, and *Mr. Hamilton*, which was by them reported to Congress on the twenty-sixth of April, 1783. This address so fully sets forth the condition of public affairs at this time, and so well illustrates the defects in the confederation, that I deem it essential to my purpose to insert it entire.

"ADDRESS TO THE STATES, BY THE UNITED STATES IN
CONGRESS ASSEMBLED.

Address of the U. S. A. to the States, on public affairs, Apr. 26th, 1783. See ante, page 729.

"The prospect which has for some time existed, and which is now happily realized, of a successful termination of the war, together with the critical exigencies of public affairs, have made it the duty of Congress to review and provide for the debts which the war has left upon the United States, and to look forward to the means of obviating dangers which may interrupt the harmony and tranquillity of the Confederacy. The result of their mature and solemn deliberations on these great objects, is contained in their several recommendations of the eighteenth inst., herewith transmitted. Although these recommendations speak themselves the principles on which they are founded, as well as the ends which they propose, it will not be improper to

UNDER THE CONFEDERATION.

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enter into a few explanations and remarks, in order to place in a stronger view the necessity of complying with them.

"The first measure recommended is, effectual provision for the debts of the United States. The amount of these debts, as far as they can now be ascertained, is \$42,000,375, as will appear by the schedule No. 1. To discharge the principal of this aggregate debt at*

Defects of the compact of the confederation.

Address of the U. S. A. to the States, on public affairs, Apr. 26th, 1783.

* Paper No. 1. An estimate of the National Debt.

	Livres.	Dollars.
Due to the Farmers General of France,	1,000,000	
To individuals in France on unliquidated accounts, estimated,	3,000,000	
To the Crown of France, including a Loan of 10,000,000 borrowed in Holland, and for which France is guarantee,	28,000,000	
To ditto, a Loan for 1783,	6,000,000	
	<u>38,000,000</u>	
At 5 livres, 8 sous per dollar,		\$7,037,037
To lenders in Holland, received in part of the Loan contracted for by Mr. J. Adams,		
1,678,000 florins,		671,200
Borrowed in Spain, by Mr. Jay,		160,000
One year's interest of Dutch Loan of 10,000,000 livres,		26,848
		<u>\$7,885,085</u>

DOMESTIC DEBT.

On Loan Office certificates, reduced to specie value,	\$11,463,802	
Interest unpaid for 1781,	190,000	
Ditto, " 1782,	687,828	
Credit to sundries in Treasury Books,	638,042	
Army Debt to 31st December, 1782,	5,635,618	
Unliquidated Debt, estimated at	8,000,000	
Commutation to the Army agreeable to the act of 22d March last,	5,000,000	
Bounty due Privates,	500,000	
Deficiencies in 1783, suppose	2,000,000	34,115,290
	<u>Total Debt,</u>	<u>\$42,000,375</u>

ANNUAL INTEREST ON DEBT.

On the Foreign Debt, part 4, and part 5 per ct., \$369,038.6
 On the Domestic Debt, at 6 per ct., 2,046,917.4—\$2,415,956 See p. 730.

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Defects of the compact of the confederation. once, or in any short period, is evidently not within the compass of our resources ; and even if it could be accomplished, the ease of the community would require that the debt itself should be left to a course of grad-

Address of the U.S. A. to the States, on public affairs, Apr. 26th, 1783. ual extinguishment, and certain funds be provided for paying, in the mean time, the annual interest. The amount of the annual interest, 'as will appear by the paper last referred to, is computed to be \$2,415,956 dollars. Funds, therefore, which will certainly and punctually produce this annual sum at least, must be provided.

Mode adopted by the confederation defective.

"*In devising these funds*, congress did not overlook the mode of supplying the common treasury provided by the Articles of Confederation. But after the most respectful consideration of that mode, they were constrained to regard it as inadequate and inapplicable to the form into which the public debt must be thrown. The delays and uncertainties incident to a revenue to be established and collected from time to time by thirteen independent authorities, is at first view irreconcilable with the punctuality essential in the discharge of the interest of a national debt. Our own experience, after making every allowance for transient impediments, has been a sufficient illustration of this truth. Some departure, therefore, in the recommendations of congress, from the federal constitution, was unavoidable ; but it will be found to be as small as could be reconciled with the object in view, and to be supported besides by solid considerations of interest and sound policy.

The proposed system of revenue.

"*The fund which presented itself* on this, as it did on a former occasion, was a tax on imports. The reasons which recommended this branch of revenue have heretofore been stated in an act of which a copy (No. 2*) is now forwarded, and need not be here repeated. It will suffice to recapitulate, that taxes on consumption are always least burdensome, because they are least felt, and are borne, too, by those who are both willing

*See post, page 902.

and able to pay them: That, of all taxes on consumption, those on foreign commerce are most compatible with the genius and policy of free states: That from the relative positions of some of the more commercial states, it will be impossible to bring this essential resource into use without a concerted uniformity: That this uniformity cannot be concerted through any channel so properly as through congress, nor for any purpose so aptly as for paying the debts of a revolution from which an unbounded freedom has accrued to commerce.

Defects of the compact of the confederation.

Address of the U. S. A. to the States, on public affairs, Apr. 26th, 1783.

"In renewing this proposition to the states, we have not been unmindful of the objections which heretofore frustrated the unanimous adoption of it. We have limited the duration of the revenue to the term of twenty-five years; and we have left to the states themselves the appointment of the officers who are to collect it. If the strict maxims of natural credit alone were to be consulted, the revenue ought manifestly to be co-existent with the object of it, and the collection placed in every respect under that authority which is to dispense the former, and is responsible for the latter. These relaxations will, we trust, be regarded on one hand as the effect of a disposition in congress to attend at all times to the sentiments of those whom they serve; and on the other hand, as a proof of their anxious desire that provision may be made in some way or other for an honorable and just fulfillment of the engagements which they have formed.

Duration of the system.

"To render this fund as productive as possible, and at the same time to narrow the room for collusions and frauds, it has been judged an improvement of the plan, to recommend a liberal duty on such articles as are most susceptible of a tax according to their quantity, and are of most equal and general consumption; leaving all other articles, as heretofore proposed, to be taxed according to their value.

Adjustment of duties.

"The amount of this fund is computed to be 915,956 Amount.

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Defects of the compact of the confederation. dollars. The estimates on which the computation is made are detailed in paper No. 3.* Accuracy in the first essay on so complex and fluctuating a subject, is not to be expected. It is presumed to be as near the

Address of the U. S. A. to the States, on public affairs, Apr. 26th, 1783. truth as the defect of proper materials would admit. " *The residue of the computed interest* is \$1,500,000, and is referred to the states to be provided for by such funds as they may judge most convenient. Here again the strict maxims of public credit gave way to the desire of congress to conform to the sentiments of their constituents: It ought not to be omitted, however, with respect to this portion of the revenue, that the

* Paper No. 3. An estimate of the produce of the *impost* on *imported articles*.

Before the war the exports from Great Britain to America were estimated at three and a half millions sterling, in which was included tea; but there were importations from Ireland and Scotland, as well as from Holland, not included in that estimate. It is now thought best to estimate the imports of all goods from Europe, exclusive of tea, brandy and wine, at 3,500,000 sterling—at 4s. 6d. per dollar, is 15,555,554 dollars. Impost of 5 per ct., ad valorem, \$777,778

On 2,000,000 gallons of rum and other

spirits,	3-90ths per gallon,	66,666.60-90
100,000 ditto Maderia wine,	12-90ths	13,333.80
600,000 " other wine,	6	40,000
300,000 lbs. Bohea tea,	6	20,000
25,000 " other tea,	24	6,666
75,000 cwt. sugar (including loaf,)	56	46,666
200,000 lbs. coffee and cocoa,	1	2,222
2,000,000 gallons molasses,	1	22,223

995,550

Deduct for collection about 8 per ct.,

79,594

Net Revenue on this estimate,

\$915,956

There are no precise data from which this computation could be made with any degree of certainty. The number of inhabitants has governed in part, and the imports of particular articles into the port of Philadelphia have been attended to. The exactitude of the computation is of the less consequence, as the act of the 16th December, 1782, provides, that if the revenue shall at any time exceed the annual interest, the residue shall form a sinking fund for the discharge of the principal; and if it shall be found insufficient, the states will be called upon to enlarge their grants of revenue.

mode in which it is to be supplied, varies so little from that pointed out in the articles of confederation; and the variations are so conducive to the great object proposed, that a ready and unqualified compliance on the part of the states may be the more justly expected. In fixing the quotas of this sum, Congress, as may be well imagined, were guided by very imperfect lights, and some inequalities may consequently have ensued. These, however, can be but temporary, and as far as they may exist at all, will be redressed by a retrospective adjustment, as soon as a constitutional rule can be applied.

Defects of the compact of the confederation.

Address of the U.S.A. to the states on public affairs, April, 1783.

“ *The necessity of making* the two foregoing provisions one indivisible and irrevocable act is apparent. Without the first quality, partial provision only might be made where complete provision is essential; nay, as some states might prefer and adopt one of the funds only, and the other states the other fund only, it might happen that no provision at all would be made: Without the second, a single state out of the thirteen might at any time involve the nation in bankruptcy, the mere practicability of which would be a fatal bar to the establishment of national credit. Instead of enlarging on these topics, two observations are submitted to the justice and wisdom of the legislatures: *First*, the present creditors, or rather the domestic part of them, having either made their loans for a period which has expired, or having become creditors in the first instance involuntarily, are entitled on the clear principles of justice and good faith to demand the principal of their credits, instead of accepting the annual interest. It is necessary, therefore, as the principal cannot be paid to them on demand, that the interest should be so effectually and satisfactorily secured, as to enable them, if they incline, to transfer their stock at its full value. *Secondly*; if the funds be so firmly constituted as to inspire a thorough and universal confidence, may it not be hoped, that the capital of the domestic debt, which

Necessity of the permanency of the proposed system.

The public creditors.

Defects of the compact of the confederation. bears the high interest of six per cent., may be canceled by other loans obtained at a more moderate interest? The saving by such an operation, would be a clear one, and might be a considerable one. As a

Address of the U.S.A. to the states on public affairs, April 1783. proof of the necessity of substantial funds for the support of our credit abroad, we refer to paper No. 4.*

Principal of the national debt. “*Thus much for the interest of the national debt:* For the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce; on requisitions to be made from time to time for that purpose, as circumstances may dictate; and on the prospect of vacant territory. If these resources prove inadequate, it will be necessary at the expiration of twenty-five years, to continue the funds now recommended, or to establish such others as may then be found more convenient.

See ante, pp. 752. 754.

“*With a view to the resource* last mentioned, as well as to obviate disagreeable controversies and confusions, Congress have concluded in their present recommendations a renewal of those of the sixth day of September, and of the tenth day of October, 1780: In both these respects, a liberal and final accommodation of all interfering claims of vacant territory, is an object which cannot be pressed with too much solicitude.

Amendment of the confederation.

“*The last object recommended is,* a constitutional change of the rule by which a partition of the common burdens is to be made. The expediency, and even necessity of such a change, has been sufficiently enforced by the local injustice and discontents which have proceeded from valuations of the soil in every state where the experiment has been made. But how infinitely must these evils be increased, on a comparison of such valuations among the states themselves! On whatso-

* See post, page 900.

ever side indeed this rule be surveyed, the execution of it must be attended with the most serious difficulties. If the valuations be referred to the authorities of the several states, a general satisfaction is not to be hoped for: If they be executed by officers of the

United States traversing the country for that purpose, besides the irregularities against which this mode would be no security, the expense would be both enormous and obnoxious: If the mode taken in the act of the 17th of February last, which was deemed on the whole least objectionable, be adhered to, still the insufficiency of the data to the purpose to which they are to be applied, must greatly impair, if not utterly destroy, all confidence in the accuracy of the result, not to mention that as far as the result can be at all a just one, it will be indebted for the advantage to the principle on which the rule proposed to be substituted is founded.

Defects of the compact of the confederation.

Address of the U.S.A. to the states on public affairs, April, 1783.

“ *This rule, although not free from objections*, is liable to fewer than any other that could be devised. The only material difficulty which attended it in the deliberations of Congress, was to fix the proper difference between the labour and industry of free inhabitants, and of all other inhabitants. The ratio ultimately agreed on was the effect of mutual concessions; and if it should be supposed not to correspond precisely with the fact, no doubt ought to be entertained that an equal spirit of accommodation among the several legislatures, will prevail against little inequalities which may be calculated on one side or on the other. But notwithstanding the confidence of Congress, as to the success of this proposition, it is their duty to recollect that the event may possibly disappoint them; and to request that measures may still be pursued for obtaining and transmitting the information called for in the act* of the seventeenth February last, which in such event will be essential.

Amendment of the confederation.

“ *The plan thus communicated* and explained by Congress must now receive its fate from their constituents. All the objects comprised in it are conceived to be of great importance to the happiness of this Confederate Republic, are necessary to render the fruits of the rev-

* An act requiring the state legislatures to furnish Congress with an accurate survey, and account, of lands granted or conveyed by them.

Defects of the compact of the confederation. olution a full reward for the blood, the toils, the cares, and the calamities which have purchased it. But the object of which the necessity will be peculiarly felt, and which it is peculiarly the duty of Congress to inculcate, is the provision recommended for the national debt.

Address of the U.S.A. to the states on public affairs, April, 1783.

“Although this debt is greater than could have been wished, it is still less on the whole than could have been expected; and when referred to the cause in which it has been incurred, and compared with the burdens which wars of ambition and vain-glory have entailed on other nations, ought to be borne not only with cheerfulness but with pride. But the magnitude of the debt makes no part of the question. It is sufficient that the debt has been fairly contracted, and that justice and good faith demand that it should be fully discharged. Congress had no option but between different modes of discharging it. The same option is the only one that can exist with the states. The mode which has, after long and elaborate discussion, been preferred, is, we are persuaded, the least objectionable of any that would have been equal to the purpose. Under this persuasion, we call upon the justice and plighted faith of the several states to give it its proper effect, to reflect on the consequences of rejecting it, and to remember that Congress will not be answerable for them.

Public creditors. France.

“*If other motives than that of justice* could be requisite on this occasion, no nation could ever feel stronger; for to whom are the debts to be paid? *To An Ally*, in the first place, who to the exertion of his arms in support of our cause, has added the succors of his treasure; who, to his important loans, has added liberal donations; and whose loans themselves carry the impression of his magnanimity and friendship:

Foreign creditors.

“*To individuals in a foreign country*, in the next place, who were the first to give so precious a token of their confidence in our justice, and of their friendship

for our cause, and who are members of a republic which was second in espousing our rank among nations.

Defects of the compact of the confederation.

"Another class of creditors is, that illustrious and patriotic band of fellow-citizens, whose blood and whose bravery have defended the liberties of their country; who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them: And who, even now, ask for no more than such a portion of their dues as will enable them to retire from the field of victory and glory, into the bosom of peace and private citizenship, and for such effectual security for the residue of their claims, as their country is now unquestionably able to provide.

Address of the U. S. A. to the states on public affairs, April, 1783.

"The remaining class of creditors is composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors, would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favor of some than of others, the voice of policy no less than of justice, pleads in favor of all. A wise nation will never permit those who relieve the wants of their country, or who rely most on its faith, its firmness, and its resources, when either of them is distrusted, to suffer by the event.

Domestic creditors. Assignees of claims.

"Let it be remembered finally, that it has ever been the pride and boast of America, that the rights for which she contended were the rights of human nature. By the blessing of the Author of these rights on the means exerted for their defence, they have prevailed against all opposition, and form the basis of thirteen independent states. No instance has heretofore occurred, nor can any instance be expected hereafter to

Their rights the same for which we contended.

Defects of occur, in which the unadulterated forms of republican the compact of the government can pretend to so fair an opportunity of confederation. justifying themselves by their fruits.

“*In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude, and all the other qualities which ennoble the character of a nation, and fulfill the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favorable influence on the rights of mankind. If, on the other side, our governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate, will be dishonored and betrayed; the last and fairest experiment in favor of the rights of human nature will be turned against them; and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation.*”

“*By order of the United States in Congress assembled.*” * * *

See ante,
page 896.

The document referred to in the foregoing address as *paper No. 4*, contained an extract from a letter from Dr. Franklin, to the superintendent of finance, bearing date December, 1782; and a letter to the same from the Minister Plenipotentiary of France, bearing date March fifteenth, 1783. Each of these letters is important in this connection as illustrative of the condition of the credit of the United States abroad at their respective dates; and showing the critical condition of the public affairs under the defective provisions of the compact of the confederation. Dr. Franklin wrote:

Letter
from Dr.
Franklin,
on the
national
credit
abroad,
Dec. 1782.

“*Passy, December 23d, 1782.*”

“Friday last, order was given to furnish me with six hundred thousand livres immediately, and I was an-

swered by M. de' Vergennes, 'that the rest of the six millions should be paid us quarterly in the course of the year 1783.' I pressed hard for the whole sum demanded, but was told 'it was impossible.'

Defects of the compact of the confederation.

"Our people certainly ought to do more for themselves. It is absurd the pretending to be lovers of liberty, while they grudge paying for the defence of it. It is said here, that an impost of five per cent. on all goods imported, though a most reasonable proposition, had not been agreed to by all the states, and was therefore frustrated; and that your newspapers acquaint the world with this, with the non-payment of taxes by the people, and with the non-payment of interest to the creditors of the public.

"The knowledge of these things has hurt our credit and the loan in Holland; and would prevent our getting anything here but from government. The foundation for credit abroad should be laid at home, and certain funds should be prepared and established beforehand, *for the regular payment at least of the interest.*"

The minister of France, at Philadelphia, writes, under date March 15th, 1783, to the U. S. superintendent of finance: "I abstain from repeating here the other parts of the Count de' Vergennes' dispatches, which I had the honor to communicate, because the truths they contain are well known to you, and because they may all be reduced to this single position, that *without a speedy establishment of solid general revenue, and an exact performance of the engagements which Congress have made, you must renounce the expectation of loans in Europe.*

Letter of the French minister at Philadelphia, on the public credit, March, 1783.

"I am ordered also, sir, to inform Congress, that my Court expect they will have taken final and satisfactory measures to secure payment of the interest of the debt contracted with his majesty by the United States. But I content myself with communicating this circumstance to you, and before announcing it directly to Congress, I will wait till their present embarrassments shall be diminished."*

* Journals of congress, 1783.

Defects of
the com-
pact of the
confedera-
tion.

Letter of
congress
to the Gov.
of Rhode
Island, on
the public
credit,
Dec. 1782.

Exigencies
of the
national
affairs.

The paper referred to in the foregoing address, as No. 2,* was a letter addressed by the Congress to the governor of Rhode Island, December sixteenth, 1782, remonstrating with that state because it had refused to comply with the recommendation, previously made by the congress, for a duty on imposts and prize goods, similar to the plan proposed by the address: That letter concludes: "It is certainly pernicious to leave any government in a situation of responsibility disproportioned to its power. The conduct of the war is entrusted to Congress, and the public expectation turned upon them without any competent means at their command to satisfy the important trust. *After the most full and solemn deliberation*, under a collective view of all the public difficulties, they recommend a measure which appears to them the corner-stone of the public safety. They see this measure suspended for near two years; partially complied with by some of the states; rejected by one of them, and in danger on that account to be frustrated; the public embarrassments every day increasing; the dissatisfaction of the army growing more serious; the other creditors of the public clamoring for justice; both irritated by the delay of measures for their present relief or future security; the hopes of our enemies encouraged to protract the war; the zeal of our friends depressed by an appearance of remissness and want of exertion on our part; congress harassed; the national character suffering; and the national safety at the mercy of events. This state of things cannot but be extremely painful to Congress, and appears to make it their duty to be urgent to obviate the evils with which it is pregnant."

These are certainly most graphic delineations of the evils which flowed from the deficiency of power entrusted to congress, as an instrument of national government, under the Confederation. The remedy proposed was also urged upon the states by the most

* See page
892.

earnest, forcible, and patriotic appeals from the most distinguished and able statesmen of that day, both in and out of congress, and was made the subject of special commendation by General Washington, in a circular address to the governors of the several states, as he was about resigning his command of the American armies, and as his farewell advice, as commander-in-chief, to his countrymen. "Unless," says he, "the states will suffer congress to *exercise* those prerogatives which they are undoubtedly invested with by the constitution (confederation) everything must very rapidly tend to anarchy and confusion. It is indispensable to the happiness of the individual states that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the Confederate Republic, without which the union cannot be of long duration.

Defects of the compact of the confederation.

Washington, on the subject of public affairs.

"There must be a faithful and pointed compliance on the part of every state with the late proposals and demands of congress, or the most fatal consequences will ensue. Whatever measures have a tendency to dissolve the union, or contribute to violate or lessen the sovereign authority, ought to be considered *hostile to the liberty and independence* of America, and the authors of them treated accordingly: And, lastly, unless we can be enabled, by the concurrence of the states, to participate in the fruits of the revolution, and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression, as has been devised by the Articles of Confederation; it will be a subject of regret that so much blood and so much treasure have been lavished to no purpose; that so many sufferings have been encountered without compensation; and that so many sacrifices have been made in vain."

Such was the aspect of public affairs under the Confederation, when the bitter experiences of war were

Defects of the compact of the confederation. exchanged for the definitive assurances of peace. The recognition of our national independence by Great Britain seemed to convey to the people of the states the impression that the severest trial had gone by, and that their career henceforth was to be one of prosperous progress, without any particular regard for that national capacity the development of which had been consummated in their union under the graver adversities of the revolution. The states still retained their jealousy of a general sovereignty, and were reluctant to surrender back to congress the prerogatives which they had secured to themselves under the Confederation.

The necessity of a national sovereignty not generally felt or understood. They had not yet learned so to appreciate their national character as to refer to that alone as the basis of their independence, of their prosperity at home, and of their respectability abroad. A further experience seemed necessary to teach them the need of a national government invested with a national sovereignty, in order to give security to that independence, and duration and efficiency to that national character. It was well, therefore, in order to give permanency and stability to the frame of government thereafter to be erected, that their record should be such as might convey a lesson of instruction to all coming generations of their descendants. And before we allow ourselves to estimate lightly the untold blessings and benefits of the union, we should ponder well this portion of our governmental history.

I shall continue to give the record of that experience as written by those who were a part of it, in the day and time of it, and knew how to analyze it, to estimate it, and to describe it.

See ante,
p. 888.

In Congress, Feb.,
1786.

On the fifteenth day of February, 1786, a committee consisting of *Mr. King*, *Mr. Pinckney*, *Mr. Keane*, *Mr. Monroe*, and *Mr. Pettit*, to whom were referred several reports and documents concerning the system of general revenue recommended by the Congress on the eighteenth of April, 1783, reported as follows, viz.:

“*That in pursuance of the above reference, they have* examined the acts of the several states, relative to the general system of revenue recommended by Congress on the eighteenth of April, 1783, and find: That the states of Delaware and North Carolina, have passed acts in full conformity with the several parts thereof; the former of which states has inserted a proviso in their act, restraining the operation thereof until each of the other states shall have made a like and equally extensive grant: That the states of New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia and South Carolina, have each passed acts complying with that part of the system which recommends a general impost; but have come to no decision on the other part, which proposes the establishment of funds, supplementary to, and in aid of, the general impost: That the state of Pennsylvania has passed an act complying with the recommendation of the general impost; and in the same act has declared that their proportion or quota of the supplementary funds shall be raised and levied on the persons and estates of the inhabitants of that state, in such manner as the legislature thereof shall from time to time direct, with this *proviso*, that if any of the annual proportion of the supplementary funds shall be otherwise raised and paid to the United States, then such annual levy or tax shall be discontinued.

Defects of the compact of the confederation.

Report on the system of general revenue proposed by congress to the states. Feb., 1786.

Its reception by the states.

“*The Committee conceive* that this clause is rather an engagement that Pennsylvania will provide adequate supplementary funds, than an actual establishment thereof; nevertheless, the act contains a *proviso* restraining its operation until each of the other states shall have passed laws in full conformity with the whole of the revenue system aforesaid: *The Committee further find*: That the state of Rhode Island has passed an act on this subject, but so different from the plan recommended, and so wholly insufficient, that it cannot be considered as a compliance with any part of the

Partial compliances.

PART IV.

THE PERMANENT UNION

Defects of the compact of the confederation. system submitted for their adoption: That the state of Maryland passed an act in 1782, and a supplement thereto in 1784, complying with the recommendation of congress of the 3d February, 1781; which recommendation is not compatible with, and was relinquished by, the resolves of Congress of the 18th of April, 1783; but that neither the state of Maryland, New York, nor Georgia, has passed any act in pursuance of the system of the 18th of April, 1783.

Report on the system of general revenue proposed by the congress to the states. Feb., 1786.

"From this statement it appears, that seven states, viz., New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina and South Carolina, have granted the impost in such manner that if the other six states had made similar grants, the plan of the general impost might immediately begin to operate. That two other states, viz., Pennsylvania and Delaware, have also granted the impost, but have connected their grant with *provisoes* which will suspend their operation until all the other states shall have passed laws in full conformity with the whole of the revenue system aforesaid: That two only of these nine states, viz., Delaware and North Carolina, have fully acceded to that system in all its parts; and that the four other states, viz., Rhode Island, New York, Maryland and Georgia, have not decided in favor of any part of the system of revenue aforesaid, so long since and so repeatedly presented by Congress for their adoption.

Its reception by the states.

Fitness of the general system.

"The Committee have thought it their duty, candidly to examine the principles of this system, and to discover, if possible, the reasons which have prevented its adoption: They cannot learn that any member of the Confederacy has stated or brought forward any objections against it; and the result of their impartial enquiries into the nature and operation of the plan, has been a clear and decided opinion that the system itself is more free from well-founded exceptions, and is better calculated to receive the approbation of the

several states, than any other that the wisdom of congress can devise.

"In the course of this inquiry, it most clearly appeared, that the requisitions of Congress for eight years past have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source from whence monies are to be drawn to discharge the engagements of the Confederacy, definite as they are in time and amount, would be not less dishonorable to the understandings of those who entertain such confidence, than it would be dangerous to the welfare and peace of the Union. *The Committee are therefore unanimously impressed* with the indispensable obligation that congress are under of representing to the immediate and impartial consideration of the several states, the utter impossibility of maintaining and preserving the faith of the federal government by temporary requisitions on the states, and the consequent necessity of an early and complete accession of all the states to the revenue system of the 18th of April, 1783.

"Although in a business of this magnitude and importance to the respective states, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the committee cannot forbear to remark, that this plan has been under reference for nearly three years; that, during that period, numerous changes have taken place in the delegations of every state; but that this system has received the repeated approbation of each successive congress; and that the urgency of the public engagements at this time renders it the unquestionable duty of the several states to adopt, without further delay, those measures which alone, in the judgment of the committee, can preserve the sacred faith of this Confederacy."

"The following state of facts must convince the

Defects of the compact of the confederation.

Report on the system of general revenue proposed by congress to the states. Feb., 1786.

Temporary requisitions on the states not reliable.

The adoption of the new system the only hope of the confederacy.

Defects of states of the propriety of urging this system with un-
the com- sual anxiety at this period.
pact of the
confedera- "That the sum necessary to discharge the
tion.

interest on loans of the king of France,
to the 1st of January, 1787, is . . . \$240,740.60

Report on For interest on certificates to foreign offi-
the system cers, made payable in France, to the 1st
of general January, 1787, \$22,370.00

revenue For interest on the Spanish loan, to the
proposed 21st March, 1787, \$48,596.55
by con-
gress to the
states.

Feb., 1786. For interest on the Dutch loans, to the 1st
June, 1787, \$265,600.00

\$577,307.25

Statement "That although some of the objects of disbursement
of the are in the year 1787, the periods at which they become
foreign due, will show the absolute necessity of an immediate
debt and provision for them.
interest.

"That notwithstanding some of the above sums do not fall due until 1787, yet, exclusive of the same, there will be due on the French and Dutch loans, in that year 1,252,938 dollars and 57-90ths, and during the nine succeeding years, that is until the year 1797, including the payment of the interest and the partial re-imbursements of the capitals of the French and Dutch loans, the average sum of near one million of dollars annually; for the certain obtaining of which, at fixed periods, effectual measures can no longer be delayed. More fully to illustrate this subject, the Committee annex a schedule of the French and Dutch loans, shewing the periods of their redemption, with the annual interest payable thereon, until their final extinction.

"*In addition to the above* foreign demands, the interest on the Spanish loan, and the debts due to foreign officers, must be provided for and annually paid. The amount of these annual demands will be greatly increased by adding the annual interest on the domestic debt, the whole of which is not yet liquidated, and the

aggregate whereof will, consequently, be enlarged beyond its last estimate.

"The Committee contemplate, with great satisfaction, the prospect of extinguishing a part of the domestic debt, by the sales of the western territory of the United States: But a considerable time must elapse before that country can be surveyed and disposed of; and the domestic creditors, until that event, must depend for support on the justice of their country. The revenue system, if adopted, would afford this support, and enable Congress to fulfill the public engagements with their foreign creditors. The whole product of this system is appropriated for the payment of the principal and interest of the national debt, and no part thereof can be diverted to other purposes.

"That it has been the earnest wish of Congress to prevent the vast accumulation of foreign interest that now exists, appears from their estimates and requisitions of the twenty-seventh of April, 1784, and the twenty-seventh of September, 1785. And the following abstract taken from the books of the treasury, of the amount of monies brought into the federal treasury in the course of the four last years, viz., between the first of November, 1781, and the first of January, 1786, will show the little success of requisitions, and demonstrate the inadequacy of their products to maintain the federal government and at the same time to discharge the annual public engagements.

"The receipts of taxes from the first of	
November, 1781, to first November,	
1784, amount to	\$2,025,089.34
From the first November, 1784, to the	
first of January, 1786,	\$432,897.81

Total,	\$2,457,987.25
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"Thus it is evident that the sum of 2,457,987 dollars and 25-90ths only, was received in a space of more than four years, when the requisitions, in the most forcible

Defects of the compact of the confederation.

Report on the system of general revenue proposed by congress to the states. Feb., 1786.

Temporary requisitions from Nov., 1781 to Jan. 1786.

Total receipts.

Defects of the compact of the confederation. ble manner, pressed on the states the payment of much larger sums, and for purposes of the highest national importance. It should be observed here, that the

Report on the system of general revenue proposed by congress to the states. Feb., 1786. receipts of the last fourteen months of the above period, amount only to 432,897 dollars and 81-90ths, which is at the rate of 371,052 dollars per annum, a sum short of what is essentially necessary for the bare maintenance of the federal government on the most economical establishment, and in time of profound peace.

Indispensable in order to secure the public safety.

“*The Committee observe, with great concern,* that the security of the navigation and commerce of the citizens of these states from the Barbary powers, the protection of the frontier inhabitants from the savages, the immediate establishment of military magazines in different parts of the union, rendered indispensable by the principles of public safety, the maintenance of the federal government at home, and the support of the public servants abroad, each and all, depend upon the contributions of the states under the annual requisitions of congress. The monies essentially necessary for these important objects, will so far exceed the sums formerly collected from the states by taxes, that no hope can be indulged of being able from that source, to make any remittances for the discharge of foreign engagements.

The imperative and inevitable crisis.

“*Thus circumstanced, after the most solemn deliberation,* and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the committee are of opinion, that it has become the duty of Congress to declare most explicitly, that the crisis has arrived when the people of the United States, by whose will and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the union, but of those great and

invaluable privileges for which they have so arduously and so honorably contended.”

Defects of the compact of the confederation

The report being adopted, “*to the end that congress might remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represented,*” it was

“RESOLVED, *That the requisitions of Congress of the* twenty-seventh of April, 1784,* *and the twenty-seventh of September, 1785,† cannot be considered as the es-* tablishment of a system of general revenue, in opposition to that recommended to the several states by the resolves of congress of the eighteenth April, 1783.

Resolutions on the report, Feb. 1786.

*2,986,952.53
†\$3,000,000.

“RESOLVED, *That the resolves of Congress of the* eighteenth of April, 1783, recommending a system of general revenue, be again presented to the consideration of the legislatures of the several states, which have not fully complied with the same: *That it be earnestly recommended* to the legislatures of New-Hampshire, Massachusetts, Connecticut, New-Jersey, Pennsylvania, Virginia, and South Carolina, which have complied only in part with the said system, completely to adopt the same: and to

“*The legislatures of the states of Rhode Island, New-York, Maryland and Georgia, which have not adopted the said system, either in whole or in part, to pass laws, without further delay, in full conformity with the same. But as it is highly necessary that every possible aid should in the most expeditious manner be obtained to the revenues of the United States, it is therefore recommended* to the several states, that, in adopting the said system, they enable the United States in Congress assembled, to carry into effect that part which relates to the impost, so soon as it shall be acceded to.

“RESOLVED, *That whilst Congress are denied the* means of satisfying those engagements which they have constitutionally entered into for the common benefit of the union, they hold it their duty to warn their constituents *that the most fatal evils will inevitably flow*

Inevitable evils of neglect.

PART IV.

THE PERMANENT UNION

Defects of from a breach of public faith pledged by solemn con-
the com- tract, and a violation of those principles of justice which
pact of the are the only solid basis of the honor and prosperity of
confedera- nations.”
tion.

State sov-
ereignty
and the
embarrass-
ments of
the gen-
eral gov-
ernment.

The meas-
ures rec-
ommended
by con-
gress de-
feated by
New-York
why?

Defect of
the reve-
nue system
proposed
by con-
gress.

It is needless to look further for evidence of the in-
efficiency of the Confederation. There cannot be
found a more moving or conclusive demonstration of
the dependency of congress upon the will of the thir-
teen states of the union, each now claiming to be a dis-
tinct and independent sovereignty, than is embodied in
the foregoing report and resolutions. The idea of state
sovereignty independently and exclusive of the federal
union, it will be at once seen, was the source of all the
embarrassments which now clustered about the Con-
gress, palsying the action of the general government, and
proving the inefficiency of the compact of the Confed-
eration as the basis of any national administration.
However this extreme idea of state sovereignty may
have originated, it was the grand defect of the confed-
eration that it recognized it, and incorporated it into
its provisions. But it was there, and until it should be
measurably surrendered back to its original source,
Congress must necessarily be dependent upon its will.
To that will the appeal was now made. It met with a
commendable response in most of the states, but the
measures it recommended were opposed and defeated
by the rejection of a single state, the state of New-York.

The state of New-York was censured for her refusal
to adopt the measures thus urged upon the states by
Congress: But I think, and experience has shown,
unjustly. It was undoubtedly influenced by the con-
viction that it was impossible, under the existing arti-
cles of confederation, to accomplish the ends aimed at
by the Congress and desired alike by all. It was, in
fact, but extending the dependence of the national ad-
ministration upon the states for twenty-five years, with-
out any power to enforce the proposed system even if

adopted by the states, and made a mutual contract, with all the solemnities and powers of revocation vested alone in the Congress. It was itself as objectionable in this regard as any of the existing provisions of the Confederation. In order to secure the advantages of a happy, peaceful, prosperous and effective national government, a total remodeling of the whole fabric was necessary. The present one had utterly failed, having been found inadequate to the relations and exigencies of the nation, and its continuance ceased to be an object of desire even with the warmest advocates of the Union.

In the words of Justice Story,* "all parties felt that the Confederation had at last totally failed as an instrument of government; that its glory was departed and its days of labor done; that it stood the shadow of a mighty name; that it was seen only as a decayed monument of the past, incapable of any enduring record; that the steps of its decline were numbered and finished; and that it was now pausing before that common sepulchre of the dead whose inscription is *nulla vestigia retrorsum*."

Upon reverting to the Articles of Confederation it will be observed that there was no power vested in the general government, or the Congress, to regulate either foreign or domestic commerce. The absence of any national provision on this subject was the source of great embarrassment in the commercial intercourse of the states, and also disadvantageous to their foreign trade. To remedy this defect a proposal was made, emanating from the general assembly of the state of Virginia, for a convention of delegates from the several states to be held at Annapolis, in Maryland. This proposition originated in this wise:

Commissioners were appointed by the legislatures of Virginia and Maryland, to form a compact in relation to the navigation of the rivers Potomac and Pocomoke, and a part of the Bay of Chesapeake. They met for

Defects of the compact of the confederation.

* Story, on the constitution.

No power in congress to regulate commerce.

The Annapolis convention of Sept. 1786.

How it originated.

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THE PERMANENT UNION

Defects of this purpose at Alexandria, in March, 1785. While at the com- Mount Vernon, on a visit to General Washington, it pact of the was agreed, probably at his suggestion, that these confedera- commissioners should propose to their respective govern- tion. ments the appointment of other commissioners to meet with them, who should be empowered to make joint arrangements for maintaining a naval force in the Chesapeake, and that they might also apply to congress for its assent thereto ; that they should also establish a tariff of duties on imports to which the laws of both states should be made to conform. These matters being subsequently submitted to the legislature of Virginia, an additional resolution was adopted, directing the suggestion which related to the duties on imports to be communicated to all the states in the union, with an invitation to them to send deputies to the proposed Convention.

The Annapolis convention of Sept. 1786. Its origin and object.

Resolution of Vir- On the twenty-first day of January, 1786, a short ginia, Jan. time after the passage of the resolutions above referred to, a further resolution was adopted by the general assembly of Virginia, appointing commissioners from that state "to meet such as might be appointed by other states in the union, at a time and place to be agreed upon, to take into consideration the trade of the United States ; to examine the relative situation and trade of the several states ; to consider how far a uniform system of commercial relations might be necessary to their common interest and their permanent harmony ; and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, will enable the United States in Congress assembled, effectually to provide for the same : "* 1786.

* Annals of congress.

Proposition how received.

The circular letter, transmitting these resolutions to the respective states, proposed Annapolis, in Maryland, as the place, and the fourteenth day of the then next September, as the time, for holding such convention. The proposition was favorably received by some of the states, and five of them, viz., New York, New Jersey, Penn-

sylvania, Delaware, and Maryland, responded by appointing delegates to the convention. They met at Annapolis at the time mentioned. On the opening of the convention, Mr. John Dickinson was appointed chairman, and the members proceeded to discuss the objects for which they had convened. Feeling, however, that they were not competent, from the limited nature of their powers, to accomplish any beneficial result, and somewhat discouraged by the small number of states represented, they determined upon no specific measures; but united in a report to their respective states, in which they represented the insufficiency of the Confederation, and the necessity of such a revision of the system as should cure all its defects. They recommended that delegates for that purpose should be appointed by the several state legislatures, to meet each other in convention at Philadelphia on the second day of May then next. The reasons for preferring a separate convention, for the consideration of this subject, to the Congress, were stated to be "that, in the latter body, it might be too much interrupted by the ordinary business before them; and would, besides, be deprived of the valuable counsels of sundry individuals, who were disqualified by the constitution, or laws of particular states, or by peculiar circumstances, from holding a seat in the Congress. A copy of this report was transmitted also to congress in a letter from the chairman of the Convention, urging the inefficiency of the federal government, and the necessity of devising such further provisions as would render it adequate to the exigencies of the union. The action of this Convention was followed, in October of the same year, by an act in the general assembly of Virginia appointing commissioners, or delegates, to the proposed Federal Convention, which act recited as follows, viz.

The Annapolis convention of Sept. 1786.

Meeting and organization of the convention.

A federal convention recommended to revise the confederation. And why.

Response of Virginia.

"An Act for appointing deputies from this Commonwealth, to a convention proposed to be held in the city

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Response of Virginia to the recommendation of the Annapolis convention. Oct. 16, 1786.

Recognizes the crisis.

of Philadelphia, in May next, for the purpose of revising the federal constitution. *Whereas* the commissioners who assembled at Annapolis on the fourteenth day of September last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the commercial interests of the United States, have represented the necessity of extending the revision of the federal system *to all its defects*, and have recommended that deputies for that purpose be appointed by the several legislatures to meet in convention, in the city of Philadelphia, on the second day of May next; a provision which was preferable to a discussion of the subject in Congress, where it might be too much interrupted by the ordinary business before them, and where it would besides be deprived of the valuable counsels of sundry individuals who are disqualified by the constitution, or laws of particular states, or restrained by peculiar circumstances, from a seat in that assembly. *And whereas* the general assembly of this Commonwealth taking into view the actual situation of the Confederacy, as well as reflecting on the alarming representations made from time to time by the United States in congress, particularly in their act of the fifteenth day of February last, *can no longer doubt that the crisis is arrived* at which the good people of America are to decide the solemn question, whether they will, by wise and magnanimous efforts, reap the fruits of that independence which they have so gloriously acquired, and of that union which they have cemented with so much of their common blood; or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valor it has been accomplished.

And whereas the same noble and extended policy, and the same fraternal and affectionate sentiments, which

originally determined the citizens of this Commonwealth to unite with their brethren of the other states in establishing a federal government, cannot but be felt with equal force now, as motives to lay aside every inferior consideration, and to concur in such further concessions and provisions as may be necessary to secure the great objects for which that government was instituted, and to render the United States as happy in peace as they have been glorious in war. *Be it therefore enacted,*” &c. The act goes on to provide for the appointment of commissioners or delegates to the proposed convention, “with power to meet such deputies as may be appointed and authorized by other states, to assemble in convention at Philadelphia as above recommended, and to join with them in devising and discussing all such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the union; and in reporting such an act for that purpose to the United States in Congress, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.”

Response
of Virginia
to the pro-
posal for a
federal
conven-
tion. Oct.
16, 1786.

Powers of
her dele-
gates.

The example of Virginia was followed by the state of New Jersey, which appointed * * * “Commissioners, to meet such commissioners as have been, or may be, appointed by the other states in the Union, at the city of Philadelphia, in the commonwealth of Pennsylvania, on the second Monday in May next; for the purpose of taking into consideration the state of the Union, as to trade and other important objects, and of devising such other provisions as shall appear to be necessary to render the Constitution of the general government adequate to the exigencies thereof.”

Response
of New
Jersey.
Nov. 23,
1786.

Powers of
her dele-
gates.

The state of Pennsylvania next responded to the proposal, by “An act appointing delegates to the convention to be held in the city of Philadelphia, for the purpose of revising the Federal Constitution,” which act recited as follows: .

Response
of Penn-
sylvania.
Dec. 30,
1786.

“SEC. 1ST. *Whereas*, the general assembly of this

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Response
of Penn-
sylvania to
the propo-
sal for a
federal
conven-
tion. Dec.
30, 1786.

Commonwealth, taking into their serious consideration the representations heretofore made to the legislatures of the several states in the Union, by the United States in Congress assembled, and also weighing the difficulties under which the confederated states now labour, are fully convinced of the necessity of revising the Federal Constitution, for the purpose of making such alterations and amendments as the exigencies of our public affairs require: *And whereas*, the legislature of the state of Virginia have already passed an act of that commonwealth, empowering certain commissioners to meet at the city of Philadelphia in May next, a convention of commissioners or deputies from the different states; and the legislature of this state are fully sensible of the important advantages which may be derived to the United States, and every of them, from co-operating with the commonwealth of Virginia, and the other states of the confederation, in the said design:

Powers of
her dele-
gates.

“SEC. 2D. *Be it enacted*, * * * appoints delegates to the convention, “with powers to meet such deputies as may be appointed and authorized by the other states, to assemble in the said convention at the city aforesaid, and to join in devising, deliberating on, and discussing, all such alterations, and further provisions, as may be necessary to render the Federal Constitution fully adequate to the exigencies of the Union, and in reporting such act, or acts, for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.”

Response
of North
Carolina.
Jan. 6,
1787.

These examples were followed next in point of time, by the state of North Carolina, whose general assembly, on the sixth day of January, 1787, passed an act, entitled “*An act for appointing deputies* from this state to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the Federal Constitution.” This act provided for the ap-

pointment of five commissioners, with power to them, or any three of them, "to meet at Philadelphia on the first day of May next, then and there to confer with such deputies as may be appointed by the other states for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of our Federal Union, and to procure the enlarged purposes which it was intended to effect; and that they report such an act to the general assembly of this state, as when agreed to by them, will effectually provide for the same."

Response
of North
Carolina to
the propos-
al for a
federal
conven-
tion. Jan.
6, 1787.

Powers of
her dele-
gates.

On the twelfth day of February, 1787, the state of Georgia passed "*An ordinance for the appointment of deputies* from this state for the purpose of revising the Federal Constitution," who, or any two or more of them, were thereby "authorized, as deputies from this state, to meet such deputies as may be appointed and authorized by other states, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and farther provisions, as may be necessary to render the Federal Constitution adequate to the exigencies of the Union, and in reporting such an act for that purpose to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same."

Response
of Georgia.
Feb. 12,
1787.

Powers of
her dele-
gates.

The state of Delaware next responded, and on the third day of February, 1787, passed "*An Act appointing deputies* from this state to the convention proposed to be held in the city of Philadelphia, for the purpose of revising the Federal Constitution;" reciting:

Response
of Dela-
ware. Feb.
3, 1787.

"Whereas, the general assembly of this state are fully convinced of the necessity of revising the federal constitution, and adding thereto such further provisions as may render the same more adequate to the exigencies of the Union; And whereas, the legislature of Virginia have already passed an act of that commonwealth, appointing and authorizing certain com-

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THE PERMANENT UNION

Response of Delaware to the proposal for a federal convention. Feb. 3, 1787. missioners to meet, at the city of Philadelphia, in May next, a convention of commissioners or deputies from the different states: And this state being willing and desirous of co-operating with the commonwealth of Virginia, and the other states in the confederation, in so useful a design:

Powers of her delegates. “*Be it therefore enacted,*” * * * * naming delegates and appointing them—“with powers to meet such deputies as may be appointed and authorized by the other states to assemble in the said convention at the city aforesaid, and to join with them in devising, deliberating on, and discussing, such alterations and further provisions as may be necessary to render the Federal Constitution adequate to the exigencies of the Union: And in reporting such act, or acts, for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, may effectually provide for the same: *So always and provided,* that such alterations or further provisions, or any of them, do not extend to that part of the fifth article of the Confederation of the said states, finally ratified on the first day of March, in the year one thousand seven hundred and eighty-one, which declares that ‘in determining questions in the United States in Congress assembled, each state shall have one vote.’”

Thus far there was a voluntary and very ready response, on the part of the states, to the proposal made by the *Annapolis Convention* for a convention to revise the Federal Constitution.

The proposed federal convention in congress. Feb. 21, 1787. *In Congress, on the twenty-first day of February, 1787, nine states being present, “the report of a Grand Committee, consisting of Mr. Dane, Mr. Varnum, Mr. S. M. Mitchell, Mr. Smith, Mr. Cadwallader, Mr. Irvine, Mr. N. Mitchell, Mr. Forrest, Mr. Grayson, Mr. Blount, Mr. Bull, and Mr. Few; to whom was referred a letter of the fourteenth of September, 1786,*

from *Mr. J. Dickinson*, written at the request of Commissioners from the states of Virginia, Delaware, Pennsylvania, New Jersey, and New York, assembled at the city of Annapolis; together with a copy of the report of the said Commissioners, to the legislatures of the states by whom they were appointed—*being the order of the day*, was called up, and is contained in the following resolution, which was read, viz.:

“*Congress having had under consideration* the letter of John Dickinson, Esq., chairman of the commissioners who assembled at Annapolis, during the last year; also the proceedings of the said commissioners, and entirely coinciding with them, as to the inefficiency of the federal government, and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the union; *do strongly recommend* to the different legislatures to send forward delegates, to meet the proposed convention, on the second Monday in May next, at the city of Philadelphia.”

The delegates from the state of New York thereupon laid before the Congress instructions which they had received from their constituents, and, in pursuance of the said instructions, moved to postpone the farther consideration of the foregoing report, in order to take up the following proposition, viz.:

“*That it be recommended* to the states composing the Union, that a convention of representatives from the said states respectively, be held at * * * * on * * * * for the purpose of revising the articles of confederation and perpetual union of the United States of America; and reporting to the United States in Congress assembled, and to the states respectively, such alterations and amendments of the said articles of confederation, as the representatives met in such convention shall judge proper and necessary, to render them *adequate to the preservation and support of the union.*”

The question on the motion of New York, to post-

The proposal for a federal convention in congress, Feb. 21st, 1787.

Report of the committee thereon.

Proposition from New York in reference thereto.

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THE PERMANENT UNION

Action of Congress on the proposal for a federal convention, Feb. 21st, 1787. pone, the ayes and nays being called, was lost. A motion was then made by the delegates from Massachusetts, on behalf of that state, to postpone the further consideration of the report, in order to take into consideration a motion which they read in their place. This being agreed to, the motion of the delegates from Massachusetts was taken up, and being amended, was agreed to as follows :

Proposition of Massachusetts in reference thereto.

“*Whereas* there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states: *And whereas* experience hath evinced that there are defects in the present confederation, as a means to remedy which, several of the states, and particularly the state of New York, by express instructions to their delegates in congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable means of establishing in these states a firm national government,

Resolution recommending the proposed convention to the several states.

RESOLVED, *That in the opinion of Congress*, it is expedient, that on the second Monday in May next, a convention of delegates who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in congress, and confirmed by the states, render the federal constitution adequate to the exigencies of the government, and the preservation of the union.”

Appointment of delegates by New York.

Pursuant to the foregoing resolution, the legislature of the state of New York, on the sixth of March, 1787, appointed delegates on the part of that state “to meet such delegates as may be appointed on the part of the other states respectively, on the second Monday in May next, at Philadelphia, for the sole and express purpose

of revising the articles of confederation; and report-
 ing to congress, and to the several legislatures, such
 alterations and provisions therein, as shall, when agreed
 to in congress, and confirmed by the several states, ren-
 der the federal constitution adequate to *the exigencies*
of government and the preservation of the union."

By an act passed March eighth, 1787, the legisla-
 ture of South Carolina appointed deputies from that
 state, "to meet such deputies or commissioners as may
 be appointed and authorized by other of the United
 States, to assemble in convention, at the city of Phila-
 delphia, in the month of May next, or as soon there-
 after as may be, and to join with such deputies or com-
 missioners (they being duly authorized and empow-
 ered) in devising and discussing all such alterations,
 clauses, articles and provisions, as may be thought nec-
 essary to render the federal constitution entirely ade-
 quate to the actual situation and future good govern-
 ment of the confederated states; and together with the
 said deputies or commissioners, or a majority of them
 who shall be present, (provided the state be not repre-
 sented by less than two) do join in reporting such an
 act to the United States in Congress assembled, as when
 approved and agreed to by them, and duly ratified and
 confirmed by the several states, *will effectually provide*
for the exigence of the union."

The act of the legislature of Massachusetts recited
 the resolution of congress, and authorized the governor
 of that state to commission five delegates appointed to
 the proposed convention, who, or any three of them,
 were duly commissioned on the ninth day of April,
 1787, "to meet such delegates as may be appointed by
 the other, or any of the other, states in the union, to
 meet in convention at Philadelphia, at the time and
 for the purposes aforesaid."

The act of the general assembly of the state of Con-
 necticut also recited the resolution of congress of the
 21st of February; and on the second Thursday of May,

The pro-
posed fed-
eral con-
vention.

Appoint-
ment of
delegates
by South
Carolina,
March 8th,
1787.

Their
powers.

By Massa-
chusetts,
April, 9th,
1787.

By Con-
necticut,
May 1787.

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THE PERMANENT UNION

The proposed federal convention.

1787, appointed three delegates, thereby requesting them "to proceed to Philadelphia without delay;" authorizing and empowering such one or more of them as should "actually attend the said convention to represent this state therein, and to confer with such delegates appointed by the several states, for the purposes mentioned in the said act of congress, that may be present and duly authorized to act in said convention, and to discuss upon such alterations and provisions, agreeable to the general principles of republican government as they shall think proper to render the federal constitution *adequate to the exigencies of the government and the preservation of the union*: And they are further directed, pursuant to the said act of congress, to report such alterations and provisions as may be agreed to by a majority of the United States, represented in convention, to the congress of the United States, and to the general assembly of this state."

Conn. delegates. Their powers and instructions.

Appointment of delegates by Maryland, May 26th, 1787.

The legislature of the state of Maryland, at its session in May, 1787, passed "An act for the appointment of, and conferring powers in deputies from this state to the federal convention," by which five delegates were "appointed and authorized, on behalf of this state, to meet such deputies as may be appointed by any other of the United States, to assemble in convention at Philadelphia for the purpose of revising the federal system, and to join with them in considering such alterations and further provisions as may be necessary to render the federal constitution *adequate to the exigencies of*

Their powers and instructions.

the union: And in reporting such an act for that purpose to the United States in Congress assembled as when agreed to by them and duly confirmed by the several states, will effectually provide for the same. And the said deputies, or such of them as shall attend the said convention, shall have full power to represent this state for the purposes aforesaid: And the said deputies are hereby directed to report the proceedings of

the said convention, and any act agreed to therein, to the next session of the general assembly of this state." The proposed federal convention.

The legislature of the state of New Hampshire, was the last to appoint delegates to the proposed convention, although by no means indifferent to the crisis in the public affairs of the nation, or insensible of the importance of vesting the national government with more efficient prerogatives and resources. With the exception, perhaps, of Virginia and Pennsylvania, the preamble to her enactment on this occasion, evinces a state of feeling more competent to the existing exigency than any we have yet seen. It was entitled "*An act for appointing deputies* from this state, to the convention proposed to be holden in the city of Philadelphia, in May, 1787, for the purpose of revising the federal constitution." And recited, "*Whereas* in the formation of the federal compact which frames the bond of union of the American states, it was not possible, in the infant state of our republic, to devise a system which in the course of time and experience, would not manifest imperfections that it would be necessary to reform.

"*And whereas* the limited powers, which by the articles of confederation, are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce: *And whereas* congress hath, by repeated and most urgent representations, endeavored to awaken this, and other states of the union, to a sense of the truly critical and alarming situation in which they may inevitably be involved, unless timely measures be taken to enlarge the powers of congress; that they may be thereby enabled to avert the dangers which threaten our existence as a free and independent people: *And whereas* this state hath been ever desirous to act upon the liberal system of the general good of the United States, without circumscribing its views to the narrow and selfish objects of partial convenience; and has been at all times ready to make any concession to the

Appointment of delegates by New Hampshire, June 27th, 1787.

Preamble to the appointing act.

Their conciliatory spirit.

Powers of safety and happiness of the whole, which justice and sound policy could indicate. *Be it therefore enacted,* by the Senate and House of Representatives in General Court convened, that * * * (naming the delegates,) be and hereby are appointed commissioners; they or any two of them, are hereby authorized and empowered, as deputies from this state, to meet at Philadelphia, in said convention, or at any other place to which the convention may be adjourned, for the purposes aforesaid, there to confer with such deputies as are, or may be appointed by the other states for similar purposes, and with them to discuss and decide upon *the most effectual means to remedy the defects* of our federal union, and to procure and secure the enlarged purposes which it was intended to effect, and to report such an act to the United States in Congress, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same."

Provision for the government of the territorial domain of the United States, 1787.

Thus early and readily, twelve states of the union, all except the state of Rhode Island, signified their sense of the earnest exigencies of the nation, by appointing delegates to meet in the proposed convention, to deliberate upon a revision of the federal constitution: Meanwhile the Congress is engaged in the formation of another compact between the states, equally obligatory, and equally interesting and important in its relations to our governmental history.

Its importance and necessity.

The immense western territory, ceded by several of the states to Congress as a part of the national domain, to be used for the common benefit of the United States, became at once a subject of new and thrilling interest to them all. Its settlement, its proprietorship, its government, and its relations and position in the federative system, were matters of great moment and careful consideration. Hence *the Ordinance of 1787*, so called: An ordinance which has been, is now, and may still hereafter, often be referred to, not only as embodying a

precedent for territorial government, but also as a political compact whose tenor and principles, in their obligation upon the nation and the states, must continue to be of binding efficacy while the union lasts. For while it defines the reach of the territorial domain of the United States at the formation of the present constitution, taken together with that instrument—which did not alter or abridge any one of its essential provisions—it also serves to mark the limit of the national jurisdiction thereby established. It is in this aspect of it, that it becomes of importance in this connection, in our governmental history.

Compact for the government of the territorial domain of the U. S. 1787.

Its importance as a political compact.

“AN ORDINANCE *for the government of the territory of the United States, North-West of the river Ohio.*

“*Be it ordained by the United States in Congress assembled,* That the said Territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Districting.

“*Be it ordained by the authority aforesaid,* That the estates, both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree: and among collaterals, the children of a deceased brother or sister of the intestate, shall have, in equal parts among them, their deceased parents' share: and there shall in no case be a distinction between kindred of the whole and half-blood; *saving* in all cases to the widow of the intestate, her third-part of the real estate for life, and one third-part of the personal estate; and *this law* relative to descents and dower, shall remain in full force until altered by the legislature of the district. *And until the governor and judges shall adopt*

Descent and distribution of estates in.

Dower in.

Wills and conveyances.

PART IV.

THE PERMANENT UNION

Compact for the government of the territorial domain of the U. S. 1787. laws as hereinafter mentioned, estates in said territory may be devised or bequeathed by wills in writing, signed and sealed by him, or her, in whom the estate may be (being of full age) and attested by three witnesses. *And real estates may be conveyed* by lease and release, or bargain and sale, signed, sealed, and delivered

Execution and record of deeds. by the person, being of full age, in whom the estate may be, and attested by two witnesses; *provided* such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose:

Transfer of personal property. *And personal property* may be transferred by delivery; *saving, however,* to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents,' and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs in force among them, relative to the descent and conveyance of property.

The governor; qualifications and term of office. *"Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress. He shall reside in the district, and have a freehold estate therein in one thousand acres of land, while in the exercise of his office.

The secretary; his duty and qualifications. *"There shall be appointed,* from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked: He shall reside in the district, and have a freehold estate therein in five hundred acres of land, while in the exercise of his office: It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: *There shall also be appointed* a Court to consist of three judges, any two of

The judiciary.

whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Compact for the government of the territorial domain of the U. S. 1787.

"The governor and judges, or a majority of them, shall adopt and publish in the district, such laws, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Civil and criminal code of laws.

"The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Military powers of the governor.

"Previous to the organization of the general assembly the governor shall appoint such magistrates and other civil officers, in each county and township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Appointment and powers of magistrates.

"For the prevention of crimes and injuries, the laws to be adopted, or made, shall have force in all parts of the district; and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such

Laws of the general assembly.

Counties and towns.

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Compact for the government of the territorial domain of the U. S. 1787.

alterations as may thereafter be made by the legislature.

Representatives.

Qualifications of.

Qualifications of electors.

Term of representatives, vacancy, how filled.

The territorial assembly, how constituted.

"So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided, that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: Provided, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

"The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

"The General Assembly, or Legislature, shall consist of the governor, legislative council, and a house of representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council to be nom-

inated and appointed in the following manner, to wit: Compact
 As soon as the representatives shall be elected, the gov- for the gov-
 ernor shall appoint a time and place for them to meet ernment of
 together, and, when met, they shall nominate ten per- the territo-
 sons, residents in the district, and each possessed of a rial domain
 freehold in five hundred acres of land, and return their of the U.S.
 names to congress; five of whom congress shall appoint 1787.
 and commission to serve as aforesaid: *And whenever a* Legislative
vacancy shall happen in the council, by death or removal council,
 from office, the house of representatives shall nominate how ap-
 two persons qualified as aforesaid, for each vacancy, pointed.
 and return their names to congress; one of whom con- Vacancies
 gress shall appoint and commission for the residue of in, how
 the term. *And every five years*, four months at least filled.
 before the expiration of the time of service of the mem- How often
 bers of the council, the said house shall nominate ten elected.
 persons qualified as aforesaid, and return their names
 to congress, five of whom congress shall appoint and
 commission to serve as members of the council five
 years, unless sooner removed. And the governor, leg- Legislative
 islative council, and house of representatives shall have powers of
 authority to make laws, in all cases, for the good gov- the terri-
 ernment of the district, not repugnant to the principles torial as-
 and articles in this Ordinance established and declared. sembly.
 And all bills having passed by a majority in the house,
 and by a majority in the council, shall be referred to
 the governor for his assent; but no bill or legislative Powers of
 act whatever shall be of any force without his assent. the gov-
 The governor shall have power to convene, próogue, ernor.
 and dissolve, the general assembly, when, in his opinion,
 it shall be expedient.

“*The governor, judges, legislative council, secretary,* Oath of
 and such other officers as congress shall appoint in the office.
 district, shall take an oath or affirmation of fidelity, and
 of office; the governor before the president of con-
 gress, and all other officers before the governor. As Delegate
 soon as a legislature shall be formed in the district, the to con-
 council and house, assembled in one room, shall have gress, how
 elected.

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THE PERMANENT UNION

Compact authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with a right of debating, but not of voting during this temporary government of the U. S.

1787.

General
Articles of
compact.

"AND for extending the fundamental principles of civil and religious liberty which form the basis whereon these Republics, their laws and constitutions, are erected ; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory ; to provide also for the establishment of states, and permanent governments therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest :

Preamble.

"It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit :

Religious
freedom.

"ARTICLE THE FIRST. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

Civil liberties
and
rights.

"ARTICLE THE SECOND. The inhabitants of the said territory shall always be entitled to the benefits of the writ of Habeas Corpus, and of the trial by jury ; of a proportionate representation of the people in the legislature ; and of judicial proceedings according to the course of the Common Law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great : All fines shall be moderate ; and no cruel or unusual punishments be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land ; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services,

Personal
rights and
property.

full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect, private contracts or engagements, *bona fide* and without fraud previously formed.

Compact
for the gov-
ernment of
the territor-
ial domain
of the U. S.
1787.

“ARTICLE THE THIRD. *Religion, morality, and knowledge*, being necessary to good government and the happiness of mankind, schools and the means of education shall ever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by congress: But laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Encour-
agement to
education.

Protection
to the
Indians.

“ARTICLE THE FOURTH. *The said territory, and the states* which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made: And to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states: And the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new states, as in the original states, within the time agreed upon by the United

Inhabit-
ants sub-
ject to pay
a propor-
tion of the
federal
burdens.

Levy of
taxes
therefor.

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Compact for the government of the territorial domain of the U.S. 1787. States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such

Taxes on certain lands. soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading

River navigation free to all. into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any impost, tax, or duty, therefor.

States to be formed out of the territory. "ARTICLE THE FIFTH. *There shall be formed* in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory shall be bounded by the Mississippi, the Ohio, and the Wabash rivers; a direct line drawn from the Wabash and Port Vincents, due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and the Mississippi.

Precincts of the Western State. "*The Middle State* shall be bounded by the said direct line, the Wabash from Port Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line.

Precincts of the Eastern State. "*The Eastern State* shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; *provided, however,* and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if

Subject to congress.

Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. *And whenever* any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, *on an equal footing with the original states, in all respects whatever*, and shall be at liberty to form a permanent constitution and state government: *Provided* the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles: And so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

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for the gov-
ernment of
the territo-
rial domain
of the U. S.
1787.

Admission
of the said
states into
the Union.

“ARTICLE THE SIXTH. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always* that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his, or her, labour, or service, as aforesaid.

Slavery.

“*Be it ordained by the authority aforesaid*, that the resolutions of the 23d of April, 1784, relative to the subject of this Ordinance, be, and the same hereby are, repealed and declared null and void.

Repealing
clause.

“DONE by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord 1787, and of their sovereignty and independence, the 12th.

“CHARLES THOMSON, *Sec'y.*”

The Federal convention at Philadelphia, May, 14th, 1787.

THE FEDERAL CONVENTION

Met at Philadelphia on the fourteenth day of May, A. D. 1787, being in the eleventh year after the declaration of their independence, by the thirteen colonies of North America, and the fourth year after the recognition of their independence, as United States, under the definitive treaty of peace with the parent state: Several deputies assembled at the State House during the day, and continued to meet by adjournment from day to day, until a majority of the states were represented by the appearance of their delegates.

Organization of the convention.

On Friday, the twenty-fifth day of May, nine of the states being represented, it was moved by the honorable *Robert Morris*, one of the deputies from the state of Pennsylvania, that a president be elected by ballot, which motion was adopted by the convention; whereupon *Mr. Morris*, on the part of Pennsylvania, nominated General George Washington, who was present as a delegate from the state of Virginia. The convention then proceeded to ballot, and the ballot being counted, George Washington was announced as the person unanimously chosen to preside over the convention.

Washington elected president.

General Washington was conducted to the chair by the Hon. Robert Morris and John Rutledge, Esqs., when he proposed to the convention that they should proceed to elect a secretary; and the ballot being taken, *William Jackson, Esq.*, was declared elected: The credentials of the members were then produced, and on motion of *Mr. C. Pinckney* of South Carolina, it was

“*Ordered*, that a committee be appointed to draw up rules to be observed as the standing orders of the Convention, and to report the same to the house.”

Committee on rules appointed.

Mr. Wythe of Virginia, *Mr. Hamilton* of New-York, and *Mr. C. Pinckney* of South Carolina, were appointed such committee; and the convention adjourned till Monday, May 28th, at 10 A. M.

Monday, May 28th, 1787. The Convention met pur-

suant to adjournment, when further deputations appeared from Massachusetts, Connecticut, Delaware and Maryland, and their credentials were received and examined : Mr. Wythe, from the committee appointed for that purpose, reported the rules prepared to be observed by the convention in their proceedings, which were read, debated, and finally agreed to as follows, viz. :

The Federal Convention at Philadelphia, May 14th, 1787.
Report of the committee.

Rules to be observed as the Standing Orders of the Convention.

I. A house to do business, shall consist of the deputies of not less than seven states ; and all questions shall be decided by the greater number of these which shall be fully represented. But a less number than seven may adjourn from day to day.

Business quorum.

II. Immediately after the president shall have taken the chair, and the members their seats, the minutes of the preceding day shall be read by the secretary.

Routine of business.

III. Every member, rising to speak, shall address the president ; and, whilst he shall be speaking, none shall pass between them ; or hold discourse with another ; or read a book, pamphlet or paper, printed or manuscript ; and of two members rising at the same time, the president shall name him who shall be first heard.

Debates.

IV. A member shall not speak oftener than twice, without special leave, upon the same question ; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak upon the subject.

Restrictions upon speaking.

V. A motion made and seconded, shall be repeated ; and, if written, as it shall be when any member shall so require, read aloud, by the secretary, before it shall be debated ; and may be withdrawn at any time before the vote upon it shall have been declared.

Motions.

VI. Orders of the day shall be read next after the minutes ; and either discussed or postponed, before any other business shall be introduced.

Orders of the day.

Debatable questions.

VII. When a debate shall arise upon a question,

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The Federal Convention at Philadelphia, May 14th, 1787. no motion other than to amend the question, to commit it, or postpone the debate, shall be received.

VIII. A question which is complicated, shall, at the request of any member, be divided, and put separately upon the propositions of which it is compounded.

Rules of the convention. IX. The determination of a question, although fully debated, shall be postponed, if the deputies of any state desire it, until the next day.

Matter in writing. X. A writing, which contains any matter brought on to be considered, shall be read once throughout, for information; then by paragraphs, to be debated; and again, with the amendments, if any, made on the second reading, and afterwards the question shall be put upon the whole, amended, or approved in its original form, as the case shall be.

Committees. XI. That committees shall be appointed by ballot; and that the members who have the greatest number of ballots, although not a majority of the votes present, be the committee. When two or more members have an equal number of votes, the member standing first on the list in the order of taking down the ballots shall be preferred.

Questions of order. XII. A member may be called to order by any other member, as well as by the president; and may be allowed to explain his conduct, or expressions, supposed to be reprehensible; and all questions of order shall be decided by the president, without appeal or debate.

Of adjournment. XIII. Upon a question to adjourn, for the day, which may be made at any time, if it be seconded, the question shall be put without debate.

Respect to the president. XIV. When the house shall adjourn, every member shall stand in his place until the president pass him.

Additional rules. *Tuesday, May 29th.* The following additional rules were adopted, to be added to the foregoing, as the standard rules of the house.

Absence of members. XV. That no member be absent from the house, so as to interrupt the representation of the state, without leave.

XVI. That committees do not sit whilst the house shall be, or ought to be, sitting.

The Federal Convention at Philadelphia, May 14th, 1787.

XVII. That no copy be taken of any entry on the journal during the sitting of the house, without the leave of the house. That members only be permitted to inspect the journal.

XVIII. That nothing spoken in the house be printed, or otherwise published, or communicated, without leave.

Publicity to proceedings.

XIX. That a motion to reconsider a matter which had been determined by a majority, may be made, with leave unanimously given, on the same day in which the vote passed; but otherwise, not without one day's previous notice; in which last case, if the house agree to the reconsideration, some future day shall be assigned for that purpose.

Motions to reconsider.

The adoption of these rules completed the organization of the Convention, and the house proceeded at once to action on the matter for which it was assembled. Resolutions for the correction and amendment of the Confederation were submitted by *Mr. Edmund Randolph* of Virginia, embodying the plan of a republican-national government. Whereupon it was

Mr. Randolph's Resolutions on the confederation.

“RESOLVED, That the house will to-morrow resolve itself into a committee of the whole house to consider of the state of the American Union: And

“ORDERED, That the propositions this day laid before the house, for their consideration, by Mr. Randolph, be referred to said committee.”

Mr. Charles Pinckney, one of the deputies from South Carolina, then laid before the house, for their consideration, “The draft of a plan for a federal government, to be agreed upon between the free and independent states of America;” which was read and referred to the same committee, when the convention adjourned “till to-morrow morning at 10 o'clock.”

Mr. Pinckney's plan for a federal government.

Wednesday, May 30, 1787. The Convention met pursuant to adjournment, and, the order of the day

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The Federal Convention at Philadelphia, May 14th, 1787.

being read, resolved itself into a committee of the whole house to consider of the state of the American Union; when the respective propositions above referred to became the subject of discussion.

Importance of the crisis.

The meeting of the *Federal Convention* was the culmination of a perilous era in our political annals, and foreshadowed the last grand epoch in the governmental history of the United States of America. The peculiar condition of the nation had impressed upon the minds of all serious and reflecting men in the land, the necessity of more efficient powers in the general government in order to perfect and perpetuate the national union. The alternative presented was neither an ordinary or an indifferent one. It was a choice between political existence and political death. It was, whether the nation should be dismembered by a dissolution of the union in anarchy and confusion, its national character lost; or whether it should survive as one sovereign, independent, free power on earth. It was necessary not only to the preservation of the people of America from the indignant resentment of the foe they had just vanquished and compelled to concede their independence; but it was also necessary to preserve the states, in their separate political associations, from the strifes, animosities, jealousies, and rivalries, which might spring up between them, that the national union should be continued. Where or how could they promise themselves safety or continuance as independent, separated, perchance hostile, sovereignties? The independence of America had been acknowledged by foreign powers in her united national capacity, and under a pledge on the part of the people and the states, to each other, to foreign nations, and to mankind, that that capacity was a thing of perpetual duration. Who could say, if they abandoned or lost that character, that their independence would be any longer recognized or respected? Or that the parent state would not again seek to extend

her sovereignty over them? Or that their own great Ally, whose armies and whose loans had aided the achievement of their independence, might not, as a resentful creditor, bring them into a subjection more servile and abject than their former dependence upon the crown of Great Britain? What assurance was there, that one might not fall under the domination of an adjoining province, the larger and more powerful crush the smaller and the feeble, and thus the elements of strife, dissension, and bloodshed, be perpetuated in the land?

These were momentous considerations. They involved not only the peace and prosperity of the states, but the more vital interests, the freedom and happiness, of the whole American people. The question was full of awful and thrilling import: Should they reap for themselves, and transmit to their posterity, the invaluable benefits of a revolution, the achievement of which had filled the whole civilized world with amazement; or should they lose them all by an unnatural and inglorious alienation, hostility, and discord, among themselves?

The Convention sat with closed doors, and its whole proceedings were done in secret. The injunction of secrecy, as we may gather from the rules, was sacred and strong; so strong, writes Luther Martin, a delegate from the state of Maryland, "that the members were thereby prevented from corresponding with gentlemen in the different states upon the subjects under discussion. So extremely solicitous were they that their proceedings should not transpire, that the members were prohibited even from taking copies of resolutions on which the convention were deliberating, or extracts of any kind from the journals, without formally moving for, and obtaining permission by, a vote of the Convention for that purpose."^{*Yates and Lansing's notes.}*

Hence it occurs that we have very scanty materials for judging of its deliberations. Enough is developed,

The Federal Convention at Philadelphia, May 14th, 1787.

Complicities of the convention.

Sovereignty in the states.

See ante, pp. 536, 562, 570, 571, 685.

however, to assure us that the members of the convention felt the full force of their position and their responsibility. That they were strongly impressed with the necessity and importance of a union of purpose, of interest, and of affection, between the people and the states of America. Yet they had to contend with no ordinary obstacles in the way of securing so desirable a result. Theirs was indeed no ordinary undertaking. The political annals of mankind contained no record of a similar experience. Right before them they beheld a great and growing people, suddenly thrown into a position of independence, of pride, and of power, among the nations of the earth. In the vista of the future they saw a still greater and more extended nation, subdivided into still increasing and powerful political associations, each in turn coming forward to derive its position and relations in the Confederacy from the combined elements of political sovereignty and independence centered in the great national body. For these they were to provide, for these they were to legislate. For these they were called upon to frame the fabric of a supreme national government; one which might remove the perils and embarrassments of the present, while it provided for the wants and the changes of the future. In the allotment and distribution of its powers, they must calculate with a nice exactness their practical import and operation. They must foresee the occasion and the necessity for limitations and restrictions. They must be careful not to give too much, they must be alike cautious lest they confer too little.

The principal subject which, more than any other, embarrassed the action of the convention, was that to which I have frequently referred as the great defective element in the compact of the Confederation; the sovereignty of the states. I have elsewhere already remarked, that the states, *as such*, were never in any sense sovereign, although in a certain sense they may have been independent of each other, aside from that

compact. In other words, whatever of sovereignty they now enjoyed, was necessarily derived to them under the articles of confederation. Hence, soon after their ratification, there arose two parties in America. The one regarded the Confederation as an alliance between the states as independent republics; the other, as a league of union between the people of America. The one called it a federal alliance, the other a national compact. The one party were called federalists, the other republicans. But, in their political controversies, neither seemed to refer to the Confederation as a compact whose chief aim was, to perpetuate a union formed before the existence of any distinct state organizations. Neither seemed to take note of the fact, that there was no formal adoption of a state constitution by any one of the states, until after the proposition for a compact of perpetual union, contained in the Confederation.

The Federal Convention at Philadelphia, May 14th, 1787.

Mr. Madison, indeed, contended in the present convention, and rightfully too, "that the states never possessed the essential rights of sovereignty; that these were always vested in Congress; that their voting as states in Congress was no evidence of their sovereignty, any more than in the state of Maryland, voting by counties made the counties sovereign." He also claimed, "that the states ought to be placed under the control of the general government, at least as much so as they formerly were under the king of Great Britain and parliament." Yet Mr. Madison seemed to forget, or overlook the fact, that the compact of the confederation had itself conferred upon the states a sovereignty not otherwise belonging to them. And this was the very sovereignty which the states seemed unwilling to relinquish. It was competent, however, to a convention as fully empowered "to revise, alter and amend" that compact, as the original conventions were to ratify it, to revoke this grant of sovereignty to the states, so far forth as necessary, and restore it, at least with their assent, to the general government.

Mr. Madison on state sovereignty.

The Federal Convention at Philadelphia, May, 14th, 1787.

State sovereignty and the general government.

Mr. Wilson.

Mr. C. Pinckney.

Alexander Hamilton.

* The convention.

Mr. James Wilson of Pennsylvania, said, "a citizen of America ought to consider in what character he acts in forming a general government. I am both a citizen of Pennsylvania and of the United States. I must therefore lay aside my state connections and act for the general good of the whole. We must forget our local habits and attachments. The general government should not depend on the state governments. This ought to be a leading distinction between the one and the other. Nor ought the general government to be composed of an assemblage of different states. When we are laying the foundation of a building which is to last for ages, and in which millions are interested, it ought to be well laid. If the national government does not act on state prejudices, state distinctions will be lost. The people expect relief from their present embarrassed situation, and look up for it to this national convention; and it follows that they expect a national government. But, if no state will part with any of its sovereignty, it is in vain to talk of a national government."

Mr. Charles Pinckney, of South Carolina, said, "Our government must be made suitable to the people, and we are perhaps the only people in the world who ever had sense enough to appoint delegates to establish a general government. But a general government must not be made dependent on the states."

Mr. Alexander Hamilton of New York, said, "I have well considered the subject, and am convinced that no amendment of the Confederation can answer the purpose of a good government, so long as state sovereignties do, in any shape, exist. I can say for the state I have the honor to represent, that when our credentials were under consideration in the senate, some members were for inserting a restriction in the powers, to prevent encroachment on the constitution. It was answered by others, and therefore the resolve carried on the credentials, that it* might abridge some of the con-

stitutional powers of the state, and that possibly in the formation of a new union it would be found necessary. This appears reasonable, and leaves us at liberty to form such a national government as we think best adapted for the good of the whole. We must establish a general and national government, completely sovereign, and *annihilate the state distinctions* and state operations; and unless we do this, no good purpose can be answered.”

Mr. Madison, of Virginia, said, “I apprehend the greatest danger is from the encroachment of the states on the national government. This apprehension is justly founded on the experience of ancient Confederacies, and our own is a proof of it. If it were the case that the national government usurped the state government, if such usurpation was for the good of the whole, no mischief could arise. To draw the line between the two is a difficult task. I believe it cannot be done, and therefore I am inclined for a general government. If we cannot form a general government, and the states become *totally independent of each other*, it would afford a melancholy prospect.”

Rufus King, of Massachusetts, said, “none of the states are now sovereign or independent. Many of these essential rights are vested in congress. Congress by the confederation, possess the rights of the United States. This is a union of the men of those states. None of the states, individually or collectively, but in congress, have the rights of peace or war. The magistracy in congress possess the sovereignty. To certain points we are now a united people; *consolidation is already established.*”

It is evident from these sketches, meagre as they are, that the great controversy in the Convention, originated upon the prerogatives of sovereignty claimed by the states under the compact of the confederation, in opposition to the powers originally inherent in congress and necessary to the general government. Out of this

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The Federal Convention at Philadelphia, May 14th, 1787.

question of state sovereignty there arose another, equally intricate and embarrassing to the action of the convention. That was, the equalization of the states. For it was contended, if the states are to retain the sovereignty with which they claim to be invested under the confederation, then let their territorial limits and their constitutional jurisdictions *be equalized*.

Equalization of the states.

"On the principle that each state in the union is sovereign," said *Judge Brearly*, of New Jersey, "congress, in the articles of confederation, determined that each state in the public councils had one vote. If the states still remain sovereign, to apportion the right of suffrage in the national legislature, (as proposed,) to the quotas of contribution, or to the number of inhabitants, is founded on principles of injustice. If we must have a national government what is the remedy? Lay the map of the confederation on the table, and extinguish the present boundary lines of the respective state jurisdictions, and make a new division *so that each state is equal*; then a government on the present system will be just."

Judge Brearly.

Mr. Patterson.

Mr. Patterson, of New Jersey, said, "every sovereign state, according to the confederation, must have an equal vote, or there is an end to liberty. As long, therefore, as state distinctions are held up, this rule must invariably apply. And if a consolidated national government must take place, then state distinctions must cease, or the states must be equalized."

Mr. Wilson.

Mr. Wilson, of Pennsylvania, said, "If there was a probability of equalizing the states, he would be for it."

Rufus King.

Mr. Rufus King, of Massachusetts, "thought it would be better first to establish the principle, whether we will depart from federal grounds in forming a national government."

Mr. Lansing.

Mr. Lansing, of New York, said, "if we devise a system of government which will not meet the approbation of our constituents, we are dissolving the union. The excellence of the British model of government has

been much insisted on, but we are endeavoring to com-
plicate it with state governments, on principles which
will gradually destroy the one or the other."

"Foreign states," Mr. Sherman, of Connecticut, sug-
gested, "have made treaties with us *as confederated*
states, not as a national government. Suppose we put
an end to that government under which those treaties
were made, will not those treaties be void?"

The Fed-
eral Con-
vention at
Philadel-
phia, May
14th, 1787.

Mr. Sher-
man.

It was evident—and the opinion of the Convention
was—that the compact of the confederation could not
be so amended as to render it a competent national
constitution. The necessity of its entire abolition
was conceded by all. This necessity gave rise to
various suggestions, which, with the propositions sub-
mitted, evoked the discussions from which I have
made the foregoing extracts. Partial confederacies,
composed of a less number of states; a northern, and
a southern confederacy, were talked of. But neither
of these propositions was seriously entertained, as each
involved a dissolution of the general union, which was
regarded on all sides as a calamity too fearful to con-
template.

Abolition
of the con-
federation
necessary.

The aspect of affairs, in the Convention as well as out
of it, at this time, is well set forth in a letter written
by Mr. Edmund Randolph, one of the members from
Virginia, to the speaker of the general assembly of that
state, in which he says, "the Confederation was totter-
ing from its own weakness and the sitting of the Con-
vention is a signal proof of its total insufficiency. In
my humble judgment, the powers by which alone the
blessings of a general government can be accomplished,
cannot be interwoven in the confederation without a
change in its very essence. Or, in other words, *the*
confederation must be thrown aside. But to whom shall
we commit these acts of authority, these additional
powers? The new powers must be deposited in a new
body, growing out of *a consolidation of the union* as far

Letter of
Mr. Ran-
dolph

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Abolition of the confederation necessary.

Letter of Mr. E. Randolph.

as the circumstances of the states will allow. Among the upright and intelligent, few can read without emotion the future fate of the states *if severed from each other*. Then shall we learn the full weight of foreign intrigue. Then shall we hear of partitions of our country. If a prince, influenced by the lust of conquest, should use one state as the instrument of enslaving others; if every state is to be wearied by perpetual alarms, and compelled to maintain large military establishments; if all questions are to be decided by an appeal to arms, where a difference of opinion cannot be removed by negotiation; in a word, if all the direful misfortunes which haunt the peace of rival nations are to triumph over the land; *for what* have we contended? *Why* have we exhausted our wealth? *Why* have we basely betrayed the heroic martyrs of the federal cause?

“Let it not be forgotten, that nations which can enforce their rights have large claims against the United States, and that the creditor may insist on payment from any of them. Which of them would probably be the victim? The most productive, and the most exposed. When vexed with reprisals or war, the southern states will sue for allegiance on this continent, or beyond the sea. If for the former, the necessity of an union of the whole is decided; if for the latter, America will, I fear, react the scenes of confusion and bloodshed exhibited among most of those nations which have too late repented the folly of relying upon auxiliaries.”

Character of the Convention.

There never was a more capable, upright, and august body of men, brought together for political purposes, in any age, or in any country, than those who composed this Federal Convention. The people of each state in the union had selected their ablest and most distinguished statesmen as delegates to it, and at the head of them all was General George Washington, in every sense the presiding genius of the convention. Each

member seemed conscious of an accountability which made him individually answerable for the combined action of the whole body. Every proposition that was submitted was devised with care, offered with diffidence, and urged with seriousness, solemnity, and candor. Every point was well considered, and every argument was uttered with gravity and sincerity; every expression even seemed measured, discriminative, and conservative. There was no carping criticism, no captious declamation, no malicious invective, no personal vituperation, no envious raillery. But, notwithstanding, all their deliberations were at fault. The wisest were bewildered, the most hopeful were dismayed; each sat and looked at the other with an earnest anxiety almost bordering on despair, depicted upon the countenance, while discussion was ominously at rest. At this critical conjuncture Dr. Franklin rose in his place. He was known to speak with wisdom, and without prejudice. Immediately all eyes were turned towards him, and none more imploringly than the president of the convention. Dr. Franklin himself paused with emotion. Presently he broke the stillness which prevailed. He commenced by reading a paper setting forth the difficulties and importance of the matter before them. "Neither ancient or modern history," he said, "can give us light. As a sparrow does not fall without Divine permission, can we suppose that *governments* can be erected without His will? We shall, I am afraid, be disgraced through little party views—I move that we have prayers every morning."

The Federal Convention at Philadelphia, May 14th, 1787.

The Convention at fault.

Motion of Dr. Franklin, for daily prayer.

* See Yates and Lansing's notes.

The motion sent a thrill through every frame, it touched every heart, and was responded to by the gleaming countenances, quickened pulsations, and hopeful *aye* of every member present; heavily impressed with a deep sense of their responsibility, the Convention adjourned; thereafter daily recognizing its necessity, and invoking the Divine illumination on their deliberations.

The Federal Convention at Philadelphia, May 14th, 1787.

Abolition of the Confederation determined on.

Their report to congress, Sept. 17th,

After many weeks further consideration, the convention came to the conclusion that the existing compact of the confederation must be entirely abandoned. Two plans for the establishment of a general government were now before it for its consideration. One on the federal basis proposed by New-Jersey, the other on the republican basis; the plan proposed by Mr. E. Randolph of Virginia. I should be glad to incorporate the whole discussion into this work, but can only say in brief, that the conclusion was, that it was necessary to depart measurably from federal grounds in forming a national government, and to a certain extent, *to put away* state governments in order to remove all cause of jealousies; that the national union must be established on the basis of a republican government, with supreme power over all; that no state should have it in its power to change its government into a monarchy; that a permanent, powerful, and effective mode of general administration was necessary, and ought to be established; and that this, in the language of Mr. Randolph, "was the only moment that it could be done."

On the seventeenth day of September, the draft of the present Constitution was adopted by the convention, and reported to Congress, with resolutions and a letter accompanying it, as follows:

THE CONSTITUTION.

Preamble. WE, THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE I.

SECTION I.

Legislative powers.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

1. The House of Representatives shall be composed of members chosen every second year, by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New-York six; New-Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

SECTION III.

1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-president of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers and also a president *pro tempore*, in the absence of the Vice-president, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disquali-

fication to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

SECTION IV.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Election of senators and representatives.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each house may provide.

Membership and regulations in each house.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

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The Con-
stitution
reported
by the Fed-
eral Con-
vention to
congress,
Sept. 17th,
1787.

Compensa-
tion of
senators
and repre-
sentatives.

Disability.

SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII.

The legis-
lative rou-
tine.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays; and the names of the

persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return; in which case it shall not be a law.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

General powers of the congress.

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

The Con-
stitution
reported
by the Fed-
eral Con-
vention to
congress,
Sept. 17th,
1787.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

9. To constitute tribunals inferior to the supreme court : To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

11. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

12. To provide and maintain a navy :

13. To make rules for the government and regulation of the land and naval forces :

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by congress :

16. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ; and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,

and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Importation of certain persons.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Habeas Corpus.

3. No bill of attainder, or *ex post facto* law, shall be passed.

Attainder.

4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

Taxes.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

State privileges.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Draft of money from the treasury.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Titles of nobility.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

SECTION X.

1. No state shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

State restrictions.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

President and Vice-President, how chosen.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president ; and if no person have a majority, then, from the five highest on the list, the said house shall in like manner choose the president. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.*

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

Election of President and Vice-President.

* See amendments, Art. XIV., post.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States. Ibid.

5. No person except a natural-born citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of president ; neither shall any person be eligible to that office who

PART IV.

THE PERMANENT UNION

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787. shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

Compensation. 7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and shall not receive within that period any other emolument from the United States or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

Oath of office. 9. "I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

Powers and duties of the President.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power by and with the advice and

consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

3. The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes, and misdemeanors.

Removal from office.

ARTICLE III.

SECTION I.

1. The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior

The judiciary.

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THE PERMANENT UNION

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787. courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

Jurisdiction of the judiciary.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason, and its punishment.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No per-

son shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof.

Inter-federal relations and comity.

SECTION II.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Fugitives from justice.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

From service, see ante, p. 872.

SECTION III.

1. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or

New states.

PART IV.

THE PERMANENT UNION

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Territorial provision.

SECTION IV.

Guarantee to the states.

1. The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

Provision for amendment.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Public debts of the U. S. A.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be

as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the land; and the judges in every state shall be bound thereby; any thing in the Constitution or laws of any state to the contrary notwithstanding.

The Constitution reported by the Federal Convention to congress, Sept. 17th, 1787.

Supremacy of the Constitution.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath of allegiance to.

No religious test.

ARTICLE VII.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Ratification of.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON, NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM, RUFUS KING.

CONNECTICUT.

WM. SAMUEL JOHNSON, ROGER SHERMAN.

Names of members who signed the report.

The Constitution reported by the Federal Convention to congress, Sept. 1787.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WILLIAM LIVINGSTON,
DAVID BREARLEY,

WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.

BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,

THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOVERNEUR MORRIS.

DELAWARE.

Names of members who signed the report.

GEORGE READ,
GUNNING BEDFORD, Jr.
JOHN DICKINSON,

RICHARD BASSETT,
JACOB BROOM.

MARYLAND.

JAMES M'HENRY, DANIEL CARROLL,
DANIEL-OF-ST.-THO: JENIFER.

VIRGINIA.

JOHN BLAIR,

JAMES MADISON, JR.

NORTH CAROLINA.

WILLIAM BLOUNT,
RICH. DOBBS SPAIGHT,

HUGH WILLIAMSON.

SOUTH CAROLINA.

JOHN RUTLEDGE, CHARLES PINCKNEY,
C. COTESWORTH PINCKNEY, PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,

ABRAHAM BALDWIN.

Attest, WILLIAM JACKSON, *Secretary.*

In Convention, Monday, September 17th, 1787.

PRESENT. The STATES OF NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, *Mr. Hamilton from* NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, and GEORGIA.

Report of the Federal Convention to congress, Sept. 17th, 1787.

RESOLVED. That the preceding CONSTITUTION be laid before the UNITED STATES in Congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of Delegates chosen in each State, by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the UNITED STATES, in Congress assembled.

Accompanying resolutions.

RESOLVED. That it is the opinion of this Convention, that as soon as the conventions of nine states shall have ratified this Constitution, the United States in Congress assembled, should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble, to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication, the electors should be appointed, and the senators and representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for President; that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this CONSTITUTION.

By the unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

Report of
the Fed-
eral Con-
vention to
congress,
Sept. 17th,
1787.

SIR,—

In Convention, September, 17th, 1787.

Accompa-
nying let-
ter to the
president
of con-
gress.

We have now the honour to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable. The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money and regulating commerce; and the correspondent executive and judicial authorities; should be fully and effectually vested in the general government of the union; but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity of a different organization. It is obviously impracticable in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be attained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

The Con-
stitution
the result
of conces-
sion.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, *the consolidation of our union*, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indis-

pensable. That it will meet the full and entire appro-
bation of every state is not, perhaps, to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe: That it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect,

we have the honor to be, Sir,

Your Excellency's most obedient
and humble servants,

GEORGE WASHINGTON, *President*.

By the unanimous order of the Convention.

To His Excellency. THE PRESIDENT OF THE CONGRESS.

Soon after the reception of this report, on the twenty-eighth of the same month, the Congress "RESOLVED UNANIMOUSLY, that the said report, with the resolutions and letter accompanying the same, be transmitted to the several state legislatures, in order to be submitted to a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case."

Pursuant to this resolution copies of the proposed Constitution were transmitted to the several states: The respective state legislatures passed acts calling a convention of delegates from among the people, and the constitution being submitted to these several conventions for their approval, their ratifications thereof duly subscribed and certified were transmitted to Congress, and were as follows:

DELAWARE.

WE, the deputies of the people of the Delaware state, in Convention met, having taken into our serious con-

Report of
the Fed-
eral Con-
vention to
congress,
Sept. 17th,
1787.

Action of
congress
on the re-
port of the
Conven-
tion, Sept.
28th, 1787.

Submis-
sion of, to
the states.

Ratifica-
tion of.

By Dela-
ware.

PART IV.

THE PERMANENT UNION

Ratification of the constitution by the people of the states. sideration the Federal Constitution proposed and agreed upon by the deputies of the United States in a general Convention, held at the city of Philadelphia, on the 17th day of September, in the year of our Lord one thousand seven hundred and eighty-seven, have approved, assented to, ratified and confirmed, and by these presents do, in virtue of the power to us given for that purpose, for and in behalf of ourselves and constituents, fully, freely, and entirely approve of, assent to, ratify, and confirm the said Constitution.

By Delaware, Dec. 7th, 1787.

Done in Convention at Dover, this seventh day of December, in the year aforesaid, and in the year of the Independence of the United States of America, the twelfth. In testimony whereof, we have hereunto subscribed our names. * * * * *

PENNSYLVANIA.

By Pennsylvania, Dec. 12th, 1787.

BE IT KNOWN unto all men, that we, *the delegates of the people* of the Commonwealth of Pennsylvania, in general Convention assembled, have assented to, and ratified, and by these presents do, in the name and by the authority of the same people, and for ourselves, assent to and ratify the foregoing Constitution for the United States of America.

Done in Convention, at Philadelphia, the twelfth day of December, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. *In witness whereof*, we have hereunto subscribed our names.

FREDERICK AUGUSTUS MULENBURGH, *President*.

JAMES CAMPBELL *Secretary*.

NEW JERSEY.

By New Jersey, Dec. 18th, 1787.

In Convention of the state of New Jersey: *Whereas*, a Convention of delegates from the following states, viz., (the states represented in the Federal Convention,)

met at Philadelphia, for the purpose of deliberating on, and forming a Constitution for the United States of America, finished their session on the seventeenth day of September last, and reported to Congress the form which they had agreed upon, in the words following, viz., (cites the Constitution verbatim, the resolutions of Congress, and the act of the state legislature calling the convention.)

Ratification of the Constitution by the people of the states.

Now be it known, That we, the delegates of the state of New Jersey, *chosen by the people thereof, for the purposes aforesaid*, having mutually deliberated on, and considered the aforesaid proposed Constitution, do hereby, *for and on behalf of the people* of the said state of New Jersey, agree to, ratify, and confirm, the same, and every part thereof.

By New Jersey.

Done in Convention, by the unanimous consent of the members present, this eighteenth day of December, &c.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

JOHN STEVENS, *President*.

SAMUEL W. STOCKTON, *Secretary*.

CONNECTICUT.

In the name of the people of the state of Connecticut: *We, the delegates of the people* of the said state, in general convention assembled, pursuant to an act of the legislature in October last, have assented to and ratified, and by these presents do assent to, ratify, and adopt, the Constitution reported by the Convention of delegates in Philadelphia, on the 17th day of September, A. D. 1787, for the United States of America.

Ratification by Connecticut, Jan. 9th, 1788.

DONE in Convention, this 9th day of January, A. D. 1788. *In witness whereof*, we have hereunto set our hands.

MATTHEW GRISWOLD, *President*.

Test. JEDEDIAH STRONG, *Secr'y*.

Ratifica-
tion of the
Constitu-
tion by the
people of
the states.

MASSACHUSETTS.

In Convention of the delegates of the people of the Commonwealth of Massachusetts, February 6th, 1788.

Ratifica-
tion by
Massachu-
setts, Feb.
6th, 1788.

The Convention having impartially discussed, and fully considered the Constitution for the United States of America, reported to congress by the Convention of delegates from the United States of America, and submitted to us by a resolution of the general court of the said Commonwealth, passed the twenty-fifth day of October last past, and acknowledging with grateful hearts the goodness of the Supreme Ruler of the universe, in affording the people of the United States, in the course of His Providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, *Do, in the name and in behalf of the people of the Commonwealth of Massachusetts, assent to, and ratify, the said Constitution for the United States of America.*

* * * * *

JOHN HANCOCK, *Pres't.*

WILLIAM CUSHING, *V. P.*

GEORGE RICHARDS MINOTT, *Secretary.*

GEORGIA.

Ratifica-
tion by
Georgia,
January
2d, 1788.

In Convention, Wednesday, January the second, one thousand seven hundred and eighty-eight. To all to whom these presents shall come, Greeting:

Whereas, the form of a Constitution for the government of the United States of America, was, on the 17th day of September, one thousand seven hundred and eighty-seven, agreed upon and reported to congress, by the deputies of the said United States, convened in Phil-

adelphia, which said Constitution is written in the words following, viz., (cites the Constitution verbatim, the resolution of Congress, and the act of the state legislature, calling this convention, and proceeds,) *Now know ye*, that *We, the delegates of the people* of the state of Georgia, in convention met, pursuant to the resolutions of the legislature aforesaid, having taken into consideration the said Constitution, have assented to, ratified, and adopted, and by these presents do, in virtue of the powers and authority to us given *by the people of the said state for that purpose*, for and in behalf of ourselves and our constituents, fully and entirely assent to, ratify, and adopt, the said Constitution.

Ratification of the Constitution by the people of the states.

By Georgia.

DONE in Convention, at Augusta, in the said state, on the second day of January, A. D. 1788, and of the Independence of the United States, the twelfth.

In witness whereof, &c.

JOHN WEREAT, *President, etc.*

MARYLAND.

In Convention of the delegates of the people of the state of Maryland, 28th April, 1788.

Ratification by Maryland, April 28th, 1788.

We, the delegates of the people of the state of Maryland, having fully considered the Constitution of the United States of America, reported to Congress by the Convention of deputies from the United States of America, held in Philadelphia, on the seventeenth day of September, 1787, of which the annexed is a copy; and submitted to us by a resolution of the general assembly of Maryland, in November session, seventeen hundred and eighty-seven, *Do*, for ourselves, and *in the name and on the behalf of the people* of this state, assent to, and ratify, the said Constitution.

In witness whereof, we have hereunto subscribed our names.

GEORGE PLATER, *President, etc.*

Attest, WM. HARWOOD, *Clk.*

Ratifica-
tion of the
Constitu-
tion by the
people of
the states.

SOUTH CAROLINA.

In Convention of the people of the state of South Carolina, by their representatives, held in the city of Charleston, on Monday, the twelfth day of May, and continued by divers adjournments to Friday, the twenty-third day of May, Anno Domini, one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

Ratifica-
tion by
South Car-
olina, May,
1788.

The Convention having maturely considered the Constitution, or form of government, reported to Congress by the Convention of delegates from the United States of America, and submitted to them by a resolution of the legislature of this state, passed the seventeenth and eighteenth days of February last, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of the said United States, and their posterity; *Do, in the name and behalf of the people of this state, hereby assent to, and ratify, the said Constitution. Done in Convention, &c.*

THOMAS PINCKNEY, *Pres't.* [L. S.]

Attest, JOHN SANFORD DART, *Secr'y.* [L. S.]

NEW HAMPSHIRE.

Ratifica-
tion by
N. Hamp-
shire, June
21st, 1788.

In Convention of the delegates of the people of the state of New Hampshire, June the twenty-first, 1788.

The Convention, having impartially discussed, and fully considered the Constitution for the United States of America, reported to Congress by the Convention of delegates from the United States of America, and submitted to us by a resolution of the general court of said state, passed the fourteenth day of December last; and acknowledging with grateful hearts the goodness of the Supreme Ruler of the universe, in affording the people of the United States, in the course of His Providence, an opportunity, deliberately and peaceably,

without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity—*Do, in the name and behalf of the people* of the state of New Hampshire, assent to, and ratify, the said Constitution, for the United States of America.

Ratification of the Constitution by the people of the states.

Transmitted and certified to Congress by

JOHN SULLIVAN, *Pres't of the Convention.*

JOHN LANGDON, *Pres't of the State.*

BY ORDER,

JOHN CALF, *Secr'y of Convention.*

JOSEPH PEARSON, *Secr'y of State.*

VIRGINIA.

We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in Convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared, as well as the most mature deliberation hath enabled us, to decide thereon—*Do, in the name and in behalf of the people* of Virginia, declare and make known, that the powers granted under the Constitution, *being derived from the people* of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, and at their will: That therefore no right of any denomination, can be cancelled, abridged, restrained, or modified, by the congress, by the senate, or house of representatives, acting in any capacity; by the president, or any department, or officer of the United States, except in those instances in which power is given by the Constitution for those purposes: *And that among other essen-*

Ratification by Virginia, June 26th, 1788.

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THE PERMANENT UNION

Ratification of the Constitution by the people of the states. *tial rights*, the liberty of conscience, and of the press, cannot be cancelled, abridged, restrained, or modified, by any authority of the United States. With these impressions, with a solemn appeal to the Searcher of hearts for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the union in danger by a delay, with a hope of obtaining amendments previous to the ratification—*We, the said delegates, in the name and in behalf of the people of Virginia*, do, by these presents, assent to, and ratify, the Constitution recommended on the seventeenth day of September, one thousand seven hundred and eighty-seven, by the Federal Convention, for the government of the United States; hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following, (see Constitution.) *Done in Convention*, this twenty-sixth day of June, one thousand seven hundred and eighty-eight.

Ratification by Virginia, June 26th, 1788.

By order of the Convention,

EDW. PENDLETON, *President*.

STATE OF NEW-YORK.

Ratification by New-York, July 26th, 1787.

We, the delegates of the people of the state of New-York, duly elected and met in Convention, having maturely considered the Constitution of the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the Convention then assembled, at Philadelphia, in the commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of the United States, *Do declare and make known*, that *all power is originally vested in, and consequently derived from, the people*; and that government is instituted by them for their common interest, protec-

tion and security ; that the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness"—It goes on with a declaration of rights, and of the powers and restrictions, imposed by the Constitution, and with other suggestions as to the powers of a general administration, and then proceeds—

Ratification of the Constitution by the people of the states.

"*Under these impressions*, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution, will receive an early and mature consideration ; *We*, the said delegates, *in the name and in the behalf of the people* of the state of New York, *do*, by these presents, assent to, and ratify, the said Constitution. *In full confidence, nevertheless*, that, until a convention shall be called and convened for proposing amendments of the said Constitution, the militia of this state will not be continued in service out of this state for a longer term than six weeks, without the consent of the legislature thereof: *That the Congress will not* make or alter any regulation in this state, respecting the times, places, and manner, of holding elections for senators and representatives, unless the legislature of this state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same ; *and that in those cases* such power will only be exercised until the legislature of this state shall make provision in the premises: *That no excise* will be imposed on any article of the growth, production, or manufacture, of the United States, or any of them, within this state, *ardent spirits excepted*: And that the Congress will not lay direct taxes within this state, but when the monies arising from the impost and excise shall be insufficient for the public exigencies ; nor then, until Congress shall first have made a requisition upon this state to assess, levy

Ratification by New York, July 26th, 1787.

Ratifica- and pay, the amount of such requisition, made agree-
 tion of the ably to the census fixed in the said Constitution, in
 Constitu- such way and manner as the legislature of this state
 tion by the shall judge best; but that in such case, if the state
 people of shall neglect or refuse to pay its proportion, pursuant
 the states. to such requisition, then the Congress may assess and
 levy this state's proportion, together with the interest
 at the rate of six per centum, per annum, from the
 time at which the same was required to be paid.

Done in Convention at Poughkeepsie, in the County
 of Dutchess, in the State of New York, the 26th day
 of July, A. D. 1788.

By order of the Convention,

GEO. CLINTON, *President.*

Attest, JOHN M'KESSON, }
 AB. B. BANKER, } *Secretaries.*

STATE OF NORTH CAROLINA.

Resolution of the state of North Carolina, Aug. 1st, 1788. *"In Convention, August 1st, 1788. RESOLVED, That a Declaration of Rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said Constitution of government, ought to be laid before Congress, and the convention of the states that shall, or may be called, for the purpose of amending the said Constitution, for their consideration, previous to the ratification of the Constitution aforesaid, on the part of the state of North Carolina."*

Proceed-
 ings in
 congress:

The ratification of the Constitution on the part of the state of New-Hampshire, was received by the Congress on the second day of July, 1788, when the president suggested that this was the ninth ratification transmitted and laid before them; Whereupon, on motion of *Mr. Clark*, seconded by *Mr. Edwards*, it was

"ORDERED, That the ratifications of the Constitution

of the United States, transmitted to Congress, be referred to a committee to examine the same, and report an act to congress for putting the said constitution into operation, in pursuance of the resolutions of the late Federal Convention.”

Committee of examination.

The Committee appointed under this resolution, reported to Congress on the fourteenth day of the same month; which report, after being debated from time to time, was finally adopted on the thirteenth day of September, 1788, as follows:

Report of the committee.

“On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine states, viz.: of New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, South Carolina, and Georgia.

WHEREAS the Convention assembled in Philadelphia, pursuant to the resolution of congress of the twenty-first February, 1787, did, on the seventeenth of September, in the same year, report to the United States in Congress assembled, a Constitution for the people of the United States; whereupon congress, on the twenty-eighth of the same September, did resolve unanimously—‘that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case.’ And *whereas* the Constitution so reported by the convention, and by congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated, have been received by congress, and are filed in the office of the secretary, therefore—

Resolution to carry the Constitution into operation, September 13th, 1788.

RESOLVED, That the first Wednesday in January next, be the day for appointing electors in the several states,

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THE PERFECT AND PERPETUAL UNION

Resolution
to carry
the Con-
stitution
into opera-
tion, Sep-
tember
13th, 1788.

which, before the said day, shall have ratified the said Constitution ; that the first Wednesday in February next, be the day for the electors to assemble in their respective states and vote for a President ; and that the first Wednesday in March next, be the time, and the present seat of Congress the place, for commencing the proceedings under the said Constitution."

The or-
ganization
of the gov-
ernment.

The government accordingly went into operation under the new Constitution ; and the first session of Congress was held under it, in the city of New York, on the fourth day of March, 1789. It was composed of members duly elected from New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia ; those states having respectively ratified the same.

Prelimina-
ry organi-
zation of
the senate,
April 6th,
1789.

A quorum of the whole number of senators from these states, however, did not take their seats in the senate until the sixth of April, when the credentials of the members present being read, and ordered to be filed, the Senate proceeded by ballot, to the choice of a president for the sole purpose of opening and counting the votes for President and Vice-president of the United States. *John Langdon*, of New Hampshire, was elected president of the senate *pro tem.* ; and on his taking the chair it was

Resolution
to notify
the House
of Repre-
sentatives.

"ORDERED That *Mr. Ellsworth* inform the House of Representatives that a quorum of the Senate is formed ; that a president is elected for the sole purpose of opening the certificates, and counting the votes of the electors of the several states, in the choice of a President and Vice-president of the United States ; and that the Senate is now ready, in the senate chamber, to proceed, in the presence of the House, to discharge that duty, and that the Senate have appointed one of their members to sit at the clerk's table to make a list of the votes as they shall be declared, submitting it to the wisdom

of the House to appoint one or more of their members for the like purpose."

Mr. Ellsworth reported "that he had delivered the message;" and Mr. Boudinot, from the House of Representatives, informed the senate that the house was ready forthwith to meet them, to attend to the opening and counting of the votes of the electors of the president and vice-president of the United States. The speaker and the members of the house of representatives then attended in the senate chamber: The president, elected for the purpose of counting the votes, declared that the senate and house of representatives had met: He then, in their presence, opened and counted the votes of the electors for president and vice-president of the United States: Whereby it appeared, and was by him declared, that GEORGE WASHINGTON, *Esq.* of Virginia, was unanimously elected *President*, and JOHN ADAMS, of Massachusetts, was elected *Vice-President* of the United States of America.

Organization of the government under the Constitution, New York, March 4th, 1789.

Meeting of both houses to count the votes for president and vice-president, April 6th.

On the twenty-first day of April, the Vice-President was conducted into the senate chamber by a committee previously appointed for the purpose; where he was met by Mr. Langdon, the vice-president pro tem., on the floor of the chamber, who addressed him as follows:

Introduction of the Vice-President into the senate, April 21st.

"SIR: I have it in charge from the senate to introduce you to the chair of this house, and also, to congratulate you on your appointment to the office of Vice-President of the United States of America."

To the charge of the senate.

Mr. Langdon then conducted Mr. Adams to the chair, when he addressed the senate as follows:

"*Gentlemen of the Senate:*

"Invited to this respectable situation by the suffrages of our fellow-citizens, according to the Constitution, I have thought it my duty cheerfully and readily to accept it. Unaccustomed to refuse any public service, however dangerous to my reputation, or disproportioned to my talents, it would have been inconsistent

His inaugural address.

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to have adopted another maxim of conduct at this time, when the prosperity of the country and the liberties of the people, require, perhaps, as much as ever, the attention of those who possess any share of public confidence.

Inaugural
address of
Vice-Presi-
dent
Adams,
April 21st.

“I should be destitute of sensibility, if, upon my arrival in this city, and presentation to this Legislature, and especially to this Senate, I could see without emotion, so many of those characters of whose virtuous exertions I have often been a witness; from whose countenances and examples I have ever derived encouragement and animation: Whose disinterested friendship has supported me in many intricate conjunctures of public affairs, at home and abroad. Those celebrated defenders of the liberties of this country, whom menaces could not intimidate, corruption seduce, or flattery allure: Those intrepid assertors of the rights of mankind, whose philosophy and policy have enlightened the world in twenty years, more than it was ever before enlightened in many centuries by Ancient Schools or modern Universities.

“I must have been inattentive to the course of events, if I were either ignorant of the fame, or insensible to the merit, of those other characters in the Senate, to whom it has been my misfortune to have been hitherto personally unknown.

“It is with satisfaction that I congratulate the people of America on the formation of a *National Constitution*, and the fair prospect of a consistent administration of a government of laws: On the acquisition of a House of Representatives, chosen by themselves: Of a Senate thus composed by their own State Legislatures: And on the prospect of an Executive Authority in the hands of one whose portrait I shall not presume to draw. Were I blessed with powers to do justice to his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory: This can only be affected by a dis-

charge of the present exalted trust on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations, whether they have been denominated presidents or consuls, kings or princes, where shall we find one whose commanding talents and virtues, whose over-ruling good fortune, have so completely united all hearts and voices in his favor; who enjoyed the esteem and admiration of foreign nations and fellow-citizens with equal unanimity? Qualities so uncommon, are no common blessings to the country that possesses them. By those great qualities, and their benign effects, has Providence marked out the head of this nation, with a hand so distinctly visible, *as to have been seen by all men and mistaken by none.*

Organization of the government under the constitution, New York, March 4th, 1789.

Inaugural address of Vice-President Adams, April 21st.

“It is not for me to interrupt your deliberations by any general observations on the state of the nation, or by recommending or proposing any particular measure. It would be superfluous to gentlemen of your great experience, to urge the necessity of order. It is only necessary to make an apology for myself. Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates than to preside in their deliberations. It shall be my constant endeavor to behave towards every member of this most honorable body with all that consideration, delicacy, and decorum, which becomes the dignity of his station and character; but if from inexperience or inadvertency, anything should ever escape me inconsistent with propriety, I must entreat you, by imputing it to its true cause, and not to any want of respect, to pardon and excuse it.

“A trust of the greatest magnitude is committed to this Legislature, and the eyes of the world are upon you. Your country expects, from the results of your

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deliberations, in concurrence with the other branches of the government, consideration abroad and contentment at home; prosperity, order, justice, peace, and liberty. And may God Almighty's Providence assist you to answer their just expectations."

Time appointed for the inauguration of the President.

The President elect, having been formally notified of his election, signified to Congress, at their request, that any time and place, and any manner, which should appear most eligible to them for his inauguration, would be convenient and acceptable to him. Accordingly Thursday, the thirtieth day of April, 1789, was fixed as the time, and the gallery in front of the senate chamber as the place, for conducting the ceremonial of his formal reception and inauguration.

Progress of the President elect from Mount Vernon to New-York.

After having resigned his command of the American armies, Washington retired to his farm in Virginia, where he remained until he was called upon to participate in its deliberations by being appointed a delegate to the Federal Convention. After having discharged his duties there he again retired to Mount Vernon, where he received the intelligence of his election to the highest station in the gift of his country. Though plainly unambitious of public honors or distinction, and coveting the repose to which he had retired, he nevertheless yielded to his convictions of duty, and the wishes of his countrymen, and set out for New York. His progress is thus described by a cotemporary: "The roads were crowded with numbers anxious to see THE MAN of the people. Escorts of militia, and of gentlemen of the first character and station, attended him from state to state, and he was everywhere received with the highest honors which a grateful and admiring people could confer. Addresses of congratulation were presented to him by the inhabitants of almost every place of consequence through which he passed; to all of which he returned such modest, unassuming answers, as were in every respect suitable to his situation.

“ So great were the honors with which he was loaded, that they could scarcely have failed to produce haughtiness in the mind of any ordinary man ; but nothing of the kind was ever discovered in this extraordinary personage. On all occasions he behaved to all men with the affability of one citizen to another. He was truly great in deserving the plaudits of his country, but much greater in not being elated with them. Organization of the government under the constitution, New-York, March 4th, 1789.

“ Gray’s bridge over the Schuylkill, which General Washington had to pass, was highly decorated with laurels and evergreens. At each end of it were erected magnificent arches composed of laurels, emblematical of the ancient Roman triumphal arches ; and on each side of the bridge was a laurel shrubbery. As Washington passed the bridge, a youth ornamented with sprigs of laurel, assisted by machinery contrived for the purpose, let drop above his head, though unperceived by him, a Civic Crown of laurel. Upwards of twenty thousand citizens lined the fences, fields, and avenues, between the Schuylkill and Philadelphia ; through these he was conducted to the city by a numerous and respectable body of the citizens, where he partook of an elegant entertainment provided for him. The pleasures of the day were succeeded by a handsome display of fireworks in the evening. When Washington crossed the Delaware, and landed on the Jersey shore, he was saluted with three cheers by the inhabitants of the vicinity. When he came to the brow of the hill, on his way to Trenton, a triumphal arch was erected on the bridge, by the direction of the ladies of the place ; the crown of the arch was highly ornamented with imperial laurels and flowers, and on it was displayed in large figures Progress of the president elect from Mount Vernon to New-York. DECEMBER TWENTY-SIXTH, 1776. On the sweep of the arch, beneath, was the inscription THE DEFENDER OF THE MOTHERS WILL ALSO PROTECT THEIR DAUGHTERS. On the north side were ranged young girls dressed in white, with garlands of flowers on their heads, and baskets of flowers on their arms ; in the

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second row stood the young ladies, and behind them the married ladies of the town. The instant he passed the arch, the young girls began to sing the following ode :

‘ Welcome, mighty chief, once more,
Welcome to this grateful shore :
Now no mercenary foe
Aims again the fatal blow,
Aims at thee the fatal blow.
Virgins fair and matrons grave,
Those thy conquering arm did save,
Build for thee triumphal bowers :
Strew, ye fair, his way with flowers,
Strew your Hero’s way with flowers.’

Progress
of the
president
elect to
New-York.

“As they sung the last lines they strewed their flowers on the road before their beloved deliverer. His situation on this occasion, contrasted with what he had, in December, 1776, felt on the same spot, when the affairs of America were at the very lowest ebb of depression, filled him with sensations which cannot be described. He was rowed across the bay from Elizabeth-town to New York, in an elegant barge, by *thirteen* pilots. All the vessels in the harbor hoisted their flags. Stairs were erected and decorated for his reception. On his landing, universal joy diffused itself through every order of the people, and he was received and congratulated by the Governor of the state, and officers of the Corporation. He was conducted from the landing-place to the house which had been fitted up for his reception, and was followed by an elegant procession of militia in their uniforms, and by a great number of citizens. In the evening the houses and public buildings of the city were brilliantly illuminated.

“The thirtieth day of April was fixed for taking the oath of office.

“On the morning of the day appointed for the purpose, the clergy of the different denominations assembled their congregations in their respective places of worship, and offered up public prayers for the people and the President of the United States. About noon,

a procession of military, followed by a multitude of citizens, and civic associations, moved from the President's house to Federal Hall, where the Congress was in session awaiting his presence. When they came within a short distance from the hall, the troops formed a line on both sides of the way, through which Washington, accompanied by the Vice-President, John Adams, passed into the hall.

Organization of the government under the Constitution, New-York, March 4th, 1789.

Previous to his entrance into the senate chamber, Mr. Lee, in behalf of the committee appointed to take order for conducting the ceremonial of the formal reception of the President of the United States, informed the senate that the matter was adjusted. The house of representatives were notified that the senate were ready to receive them in the senate chamber, to attend the President of the United States, while taking the oath required by the Constitution. Whereupon, the house of representatives, preceded by their speaker, came into the senate chamber, and took the seats assigned them. The joint committee of both houses, preceded by their chairman, agreeably to order, introduced the President of the United States to the senate chamber, where he was received by the Vice-President, who conducted him to the chair, and informed him 'that the Senate and House of Representatives of the United States were ready to attend him, to take the oath required by the Constitution, and that it would be administered by the Chancellor of the state of New-York.'

The formal reception of the president by the congress.

To which the President replied, that he was ready to proceed. He was then attended to the gallery* in front of the senate chamber and opposite to Bond street, by the vice-president and senators, the speaker and representatives, and other public characters present, where, before them, and in sight of an immense concourse of citizens, the oath was administered to him by *Robert R. Livingston, Esq.*, Chancellor of the state of New-York, in the words provided by the Constitution, viz. :†

Inauguration of the president, April 30th.

* Balcony?

† Annals of Congress, Vol. I.

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"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The Chancellor then turned and proclaimed "long live *George Washington, President of the United States;*" and was answered by the ringing acclamations of the immense multitude.

The inau-
guration of
the presi-
dent,
April 30th.

On this occasion Washington was clothed entirely in fabrics of American manufacture. "While he was taking the oath," says an eye-witness, "an awful silence prevailed among the spectators during this part of the ceremony. It was a minute of the most sublime political joy. The proclamation of the Chancellor was answered by the discharge of thirteen minute guns; and by the effusion of shouts from near ten thousand grateful and affectionate hearts. The president bowed most respectfully to the people, and the air resounded again with their acclamations. He then retired to his seat in the senate chamber; after a short pause he arose and addressed an animated speech to both houses; in which his language not only expressed his own feelings on the solemn occasion, but likewise discovered his anxiety and concern for the welfare and happiness of the people in whose cause he had before risked his life. Several circumstances tended to render the scene of his inauguration unusually solemn; the presence of the beloved father and deliverer of his country; the impressions of gratitude for his past services; the vast concourse of spectators; the devout fervency with which he repeated the oath, and *the reverential manner in which he bowed to kiss the sacred volume*; these circumstances, together with that of his being chosen to the most dignified office in America, and perhaps in the world, by the unanimous voice of more than three millions of enlightened freemen, all conspired to place this among the most august and interesting scenes which have ever been exhibited on this globe." "It

See Win-
terboth-
am's
America.

seemed, from the number of witnesses," said another spectator of the scene, "to be a solemn appeal to heaven and earth at once: Upon the subject of this great and good man, I may, perhaps, be an enthusiast; but I confess, I was under an awful and religious persuasion that the gracious Ruler of the Universe was looking down at that moment with peculiar complacency on the act, which, to a part of his creatures, was so very important. Under this impression, when the Chancellor pronounced, in a very feeling manner, LONG LIVE GEORGE WASHINGTON, my sensibility was wound up to such a pitch, that I could do no more than wave my hat with the rest, without the power of joining in the repeated acclamations which rent the air."*

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tion of the
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1789.

Inaugura-
tion of the
president,
April 30th.

WASHINGTON'S INAUGURAL ADDRESS.

*"Fellow-Citizens of the Senate and
House of Representatives:*

"Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month.* On the one hand, I was summoned by my

* April.

country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health, yielding to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpracticed in the duties

* Winter-
botham's
America.

PART IV.

THE PERFECT AND PERPETUAL UNION

Organization of the government under the constitution, New-York, March 4th, 1789.

of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is, that if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendant proof, of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination, for the weighty and untried cares before me; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Washington's inaugural address, April 30th.

“Such being the impressions under which I have, in obedience to the public summons, repaired to the present station; it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of Providential agency. And in the important revolution just accomplished in the

system of their united government, the tranquil deliberations, and voluntary consent, of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly upon my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

“By the article establishing the Executive Department, it is made the duty of the residentP ‘to recommend to your consideration such measures as he shall judge necessary and expedient.’ The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges that, as on one side no local prejudices or attachments, no separate views, no party animosity, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the

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respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire ; since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness ; between duty and advantage ; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity ; since we ought to be no less persuaded, that the propitious smiles of heaven can never be expected, on a nation that disregards the eternal rules of order and right which heaven itself has ordained : And since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally*, staked on the experiment entrusted to the hands of the American People.

Washing-
ton's inau-
gural
address,
April 30th.

“ Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power, delegated by the fifth article of the Constitution, is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good. For I assure myself, that while you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience ; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregably fortified, or the latter be safely and advantageously promoted.

“To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may require.

“Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity, on a form of government for the security of their union, and the advancement of their happiness; so His divine blessing may be equally conspicuous, in the enlarged views, the temperate consultations, and the wise measures, on which the success of the government must depend.

GEORGE WASHINGTON.”

The House of Representatives thereupon appointed a committee to prepare an address on the part of the House, in reply to that of the President of the United States to both Houses of Congress. Mr. Madison from that committee reported an address, which was adopted, as follows:

Organiza-
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tion.
New York,
March 4th,
1789.

REPLY OF THE HOUSE OF REPRESENTATIVES.

Reply of
the House
of Repre-
sentatives
to the In-
augural
Address
of the
President,
May 5th.

“SIR:—The Representatives of the people of the United States, present their congratulations on the event by which your fellow-citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the first magistrate, by the unanimous choice of the freest people on the face of the earth. We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave forever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow-citizens must review successful efforts to promote their happiness. This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you commence your administration, and the enlightened maxims by which you mean to conduct it. We feel, with you, the strongest obligations to adore the invisible hand which has led the American people through so many difficulties; to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

“The question arising out of the fifth article of the Constitution, will receive all the attention demanded

by its importance ; and will, we trust, be decided under the influence of all the considerations to which you allude. In forming the pecuniary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services which have been amply fulfilled ; and your scrupulous adherence now, to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre, of a character which has so many titles to admiration.

“Such are the sentiments which we have thought fit to address to you. They flow from our own hearts ; and we verily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them. All that remains is, that we join in our fervent supplications for the blessings of Heaven on our country ; and that we add our own for the choicest of these blessings on the most beloved of her citizens.

In Congress, May 5, 1789.”

On Monday, the eighteenth day of May, the Senators waited on the President of the United States, at his own house, when the Vice-President, in their name, delivered to him an address “in answer to his speech delivered to the Senate and House of Representatives of the United States,” as follows :

Organiza-
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govern-
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under the
Constitu-
tion.
New York,
March 4th,
1789.

Answer of
the Senate
to the
President's
Inaugural
Address,
May 18th.

ANSWER OF THE SENATE TO THE PRESIDENT'S ADDRESS.

“SIR :—We, the Senate of the United States, return you our sincere thanks for your excellent speech, delivered to both Houses of Congress ; congratulate you on the complete organization of the Federal Government ; and felicitate ourselves and our fellow-citizens on your elevation to the office of President ; an office highly important by the powers constitutionally annexed to it,

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THE PERFECT AND PERPETUAL UNION

Organiza- and extremely honorable from the manner in which
tion of the the appointment is made. The unanimous suffrage of
govern- the elective body in your favor, is peculiarly expressive
ment un- of the gratitude, confidence, and affection of the citi-
der the zens of America, and is the highest testimonial at once
Consti- of your merit and their esteem. We are sensible, Sir,
tution. that nothing but the voice of your fellow-citizens could
New York, have called you from a retreat chosen with the fondest
March 4th, predilection, endeared by habit, and consecrated to the
1789. repose of declining years. We rejoice, and with us all
America, that, in obedience to the call of our common
country, you have returned once more to public life.
In you all parties confide ; in you all interests unite ;
and we have no doubt that your past services, great as
they have been, will be equalled by your future exer-
tions ; and that your prudence and sagacity as a states-
man, will tend to avert the dangers to which we are
exposed, to give stability to the present government,
and dignity and splendor to that country which your
skill and valor as a soldier so eminently contributed to
raise to Independence and Empire.

Answer of " When we contemplate the coincidence of circum-
the senate stances, and wonderful combination of causes, which
to the gradually prepared the people of this country for inde-
president's pendency: When we contemplate the rise, progress,
inaugural address, and termination, of the late war, which gave them a
May 18th, name among the nations of the earth ; we are, with
1789. you, unavoidably led to acknowledge and adore the
Great Arbiter of the Universe by whom empires rise
and fall. A review of the many signal instances of
Divine interposition in favor of this country, claims
our most pious gratitude: And permit us, sir, to ob-
serve, that, among the great events which have led to
the formation and establishment of a Federal Govern-
ment, we esteem your acceptance of the office of Presi-
dent as one of the most propitious and important.

"In execution of the trust reposed in us, we shall endeavor to pursue that enlarged and liberal policy to

which your speech so happily directs. We are conscious that *the prosperity of each state is inseparably connected with the welfare of all*, and that, in promoting the latter, we shall effectually advance the former. In full persuasion of this truth, it shall be our invariable aim to divest ourselves of local prejudices and attachments, and to view the great assemblage of communities and interests committed to our charge, with an equal eye. We feel, sir, the force, and acknowledge the justice of the observation, that the foundation of our national polity should be laid in private morality. If individuals be not influenced by moral principles, it is in vain to look for public virtue: It is, therefore, the duty of legislators to enforce, both by precept and example, the utility as well as the necessity, of a strict adherence to the rules of distributive justice. We beg you to be assured that the Senate will, at all times, cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties, of this great Confederated Republic.

Organization of the government under the constitution, New-York, March 4th, 1789.

Answer of the senate to the president's inaugural address, May 18th.

“We commend you, sir, to the protection of Almighty God; earnestly beseeching him long to preserve a life so valuable and dear to the people of the United States; and that your administration may be prosperous to the nation, and glorious to yourself.

“By order of the Senate,

JOHN ADAMS, *Vice-President.*”

To which the President replied, as follows:

“*Gentlemen*: I thank you for your address, in which the most affectionate sentiments are expressed in the most obliging terms. The coincidence of circumstances which led to this auspicious crisis, the confidence reposed in me by my fellow-citizens, and the assistance I may expect from councils which will be dictated by an enlarged and liberal policy, seem to presage a more prosperous issue to my administration than a diffidence

The president's reply, May 18th.

Organiza- of my abilities had taught me to anticipate. I now feel
 tion of the myself inexpressibly happy, in a belief that Heaven,
 govern- which has done so much for our infant nation, will not
 ment under the withdraw its Providential influence before our political
 constitu- felicity shall have been completed; and in a conviction
 tion, New-York, that the senate will, at all times, co-operate in every
 March 4th, measure which may tend to promote the welfare of this
 1789. Confederated Republic. Thus supported by a firm trust
 in the Great Arbiter of the Universe; aided by the col-
 lective wisdom of the Union, and imploring the Divine
 benediction on our joint exertions in the service of our
 country, I readily engage with you in the arduous but
 pleasing task of *attempting to make a nation happy.*

G. WASHINGTON."

The con-
 stitution.

Although the Constitution under which the govern-
 ment now went into operation, received the sanction
 of, and was ratified by, the Conventions of the several
 states whose senators and representatives took their
 seats in Congress; yet their ratification of it was made
 more from a spirit of conciliation and fraternity to-
 wards each other, coupled with a deep and solemn im-
 pression of the necessity of their union in a general
 government, than from any special persuasion of the
 propriety or aptness of all of its provisions. Many of
 the states even dreaded its operation under its original
 form, and accepted it only under the confiding expecta-
 tion that its imperfections would be speedily amended.
 Massachusetts, South-Carolina, New-Hampshire, Vir-
 ginia, and New-York; although they did not make
 their ratification of it conditional upon them, yet ac-
 companied their assent to it with recommendations, or
 resolutions, suggesting certain amendments, the adop-
 tion of which they urged their senators and representa-
 tives to procure, under the fifth article of the Consti-
 tution.

Ratifica-
 tion by
 North-
 Carolina.

The legislature of North Carolina, as we have seen,
 put forth certain declarations and amendments as nec-

essary previous to calling any Convention for the adoption of it, and did not formally ratify it until November 21st, 1789. Rhode-Island delayed her ratification until May 29th, 1790.

Amend-
ments to
the con-
stitution,
adopted
and recom-
mended
by con-
gress, Sept.
1789.

“It is a wonder,” said Roger Sherman, shortly afterwards, “that there has been such unanimity in adopting it, considering the ordeal it had to undergo: And the unanimity which prevailed at its formation is equally astonishing: Amongst all the members from the twelve states, present at the Federal Convention, there were only three who did not sign the instrument to attest their opinion of its goodness. Of the eleven states which have received it, the majority have ratified it without proposing a single amendment.”

But yet Congress deemed it necessary, to quiet the apprehensions which prevailed in some of the states in order to establish fully the public confidence; and to remove all hindrances to its general unanimous adoption, more successful operation, and permanent duration, the question of amending, was taken up as follows:

“*Congress of the United States*: begun and held at the City of New-York, on Wednesday the fourth of March, 1789. *The Conventions* of a number of the states having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government will best insure the beneficial ends of its institution,

Preamble.

RESOLVED, By the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said legislatures, to be

Resolu-
tions of
congress
upon.

Amend- valid to all intents and purposes, as part of the said
ments to the consti- Constitution, namely :

ART. I. After the first enumeration required by the
first article of the Constitution, there shall be one rep-
resentative for every thirty thousand, until the number
shall amount to one hundred, after which the propor-
tion shall be so regulated by Congress, that there shall

Repre- be not less than one hundred representatives, nor less
sentation. than one representative for every forty thousand per-
sons, until the number of representatives shall amount
to two hundred ; after which the proportion shall be
so regulated by Congress, that there shall not be less
than two hundred representatives, nor more than one
representative for every fifty thousand persons.

Compensa- ART. II. No law varying the compensation for the
tion. services of the Senators and Representatives shall take
effect, until an election of Representatives shall have
intervened.

Freedom of religion, ART. III. Congress shall make no law respecting an
of speech, establishment of religion, or prohibiting the free exer-
of the press. cise thereof ; or abridging the freedom of speech ; or
Right of of the press ; or the right of the people peaceably to
petition. assemble, and to petition the government for a redress
of grievances.

Right to keep and ART. IV. A well regulated militia being necessary to
bear arms. the security of a free State, the right of the people to
keep and bear arms shall not be infringed.

Quarter ing sol- ART. V. No soldier shall in time of peace be quar-
diers. tered in any house without the consent of the owner,
nor in time of war, but in a manner prescribed by law.

Searches and seiz- ART. VI. The right of the people to be secure in their
ures. person, houses, papers, and effects, against unreasona-
ble searches and seizures, shall not be violated ; and no
warrants shall issue, but upon probable cause, supported
by oath or affirmation, and particularly describing the
place to be searched, and the persons or things to be
seized.

Prosecu- ART. VII. No person shall be held to answer for a
tions, trials, &c.

capital, or otherwise infamous crime, unless on a pre-sentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amend-
ments to
the con-
stitution,
adopted
and rec-
ommended
by con-
gress, New
York.
Sept. 1789.

ART. VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Rights of
accused
persons.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Trial by
jury.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Bail, &c.

ART. XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Construc-
tion.

ART. XII. The powers not delegated to the United States, by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Reserved
rights of
the people
and states.

All of these articles, except the two first, received the sanction of the people of the requisite number of states, and became a part of the Constitution. The

PART IV.

THE PERFECT AND PERPETUAL UNION

Further
Amend-
ments to
the Con-
stitution.

following articles of amendment have been since added:

Judicial
powers.

ART. XIII. The judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Election of
President
and Vice-
President.

ART. XIV. 1. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President,

as in the case of the death, or other constitutional inability of the President.

2. The person having the greatest number of votes ^{Same sub-} as Vice-President shall be Vice-President, if such num- ^{ject.} ber be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the ^{Same sub-} office of President, shall be eligible to that of Vice- ^{ject.} President of the United States.*

Before the first day of January, 1791, the Constitution and Amendments were ratified in all of the states, by their respective legislatures and conventions, and it was universally received and recognized as the *paramount law* of the land, by *the people of the United States of America*.

But one more act seemed necessary to complete the ^{The territorial compact recognized and made conformable to the Constitution, Aug., 1789.} system of national administration thus adopted, and that had reference to the Territorial domain at this time belonging to the United States. There were certain provisions in the Ordinance of 1787, which were to be considered as articles of compact between the *original states and the people and states in the said territory*, and forever remain unalterable, unless by common consent. It was important that the integrity of this compact should not be infringed under the new government, and that all question as to its constitutionality should be put at rest at the outset: Accordingly on the seventh day of August, 1789, Congress enacted as follows, viz.:

* By commencing the enumeration at Article III., we have the amendments as adopted, and as they now stand in the Constitution.

Act in relation to the Ordinance of 1787.

"An Act to provide for the government of the Territory northwest of the River Ohio.

Preamble.

See ante, page 927.

"WHEREAS, in order that the Ordinance of the United States in Congress assembled, for the government of the territory north-west of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States.

"SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:* That in all cases in which, by said Ordinance, any information is to be given, or communication made, by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate shall appoint, all officers which by the said ordinance were to have been appointed by the United States in Congress assembled: And all officers so appointed shall be commissioned by him. And in all cases where the United States in Congress assembled might, by the said ordinance, revoke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

Death or removal of the territorial governor.

"SECTION II. *And be it further enacted:* That in case of the death, removal, resignation, or necessary absence, of the governor of the said territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties, of the governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the governor."

Conclusion.

Thus have I endeavored to trace the governmental

history of this country, from the earliest settlement made upon its shores until the formation of a more perfect national organization under the present constitution. Of that constitution I do not now propose to speak. It is before us. We see and feel the practical benefits of its benign operation. For nearly three quarters of a century have these United States, and this great people of America, been fostered under its provisions, while it has elevated them to the highest rank among the political powers of the earth, and gained for them and their institutions the respect and admiration of mankind. It has been proved fully adequate to all exigencies, whether of peace or of war. Under its happy auspices our domain has been extended both by purchase and by conquest. The old and the new territories have been planted and reared into powerful political associations, which have taken their position of independence as states under the fostering care of the Confederate Republic; strengthening the bonds of our national union, and adding to the lustre of our national glory. The prosperity, happiness, and tranquillity, which now pervade every portion of our continent, spreading from Canada on the North to Mexico on the South; and from the Atlantic on the East to the Pacific on the West, with all its variety of climate, of production, of population, and of enterprise; are the proudest and best comment on the adaptation of the present Constitution to the necessities and relations, whether foreign or domestic, of a magnificent and free Empire. Its peace-producing influences are radiating over the world, illustrating to anxious and admiring millions the happy tendencies of republican institutions to ameliorate the condition of the human race. Christianity claims it as her own consecrated work. Liberty enshrines it in her temple as the most cherished memorial of her victories; and pointing to the wide territory over which it extends its peaceful sway, she exultingly invites the oppressed and suffering children of men, of every

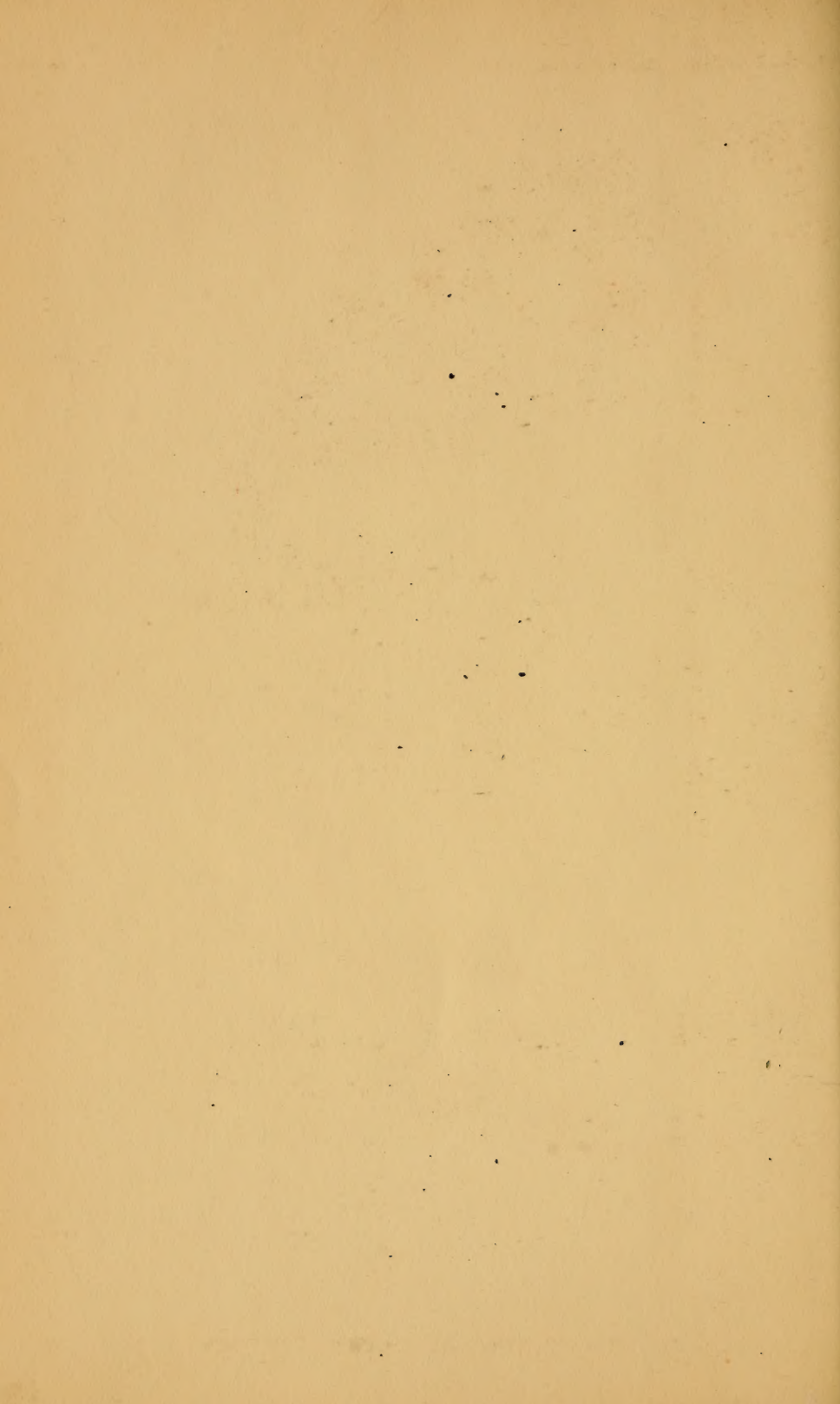
Conclu-
sion.The Con-
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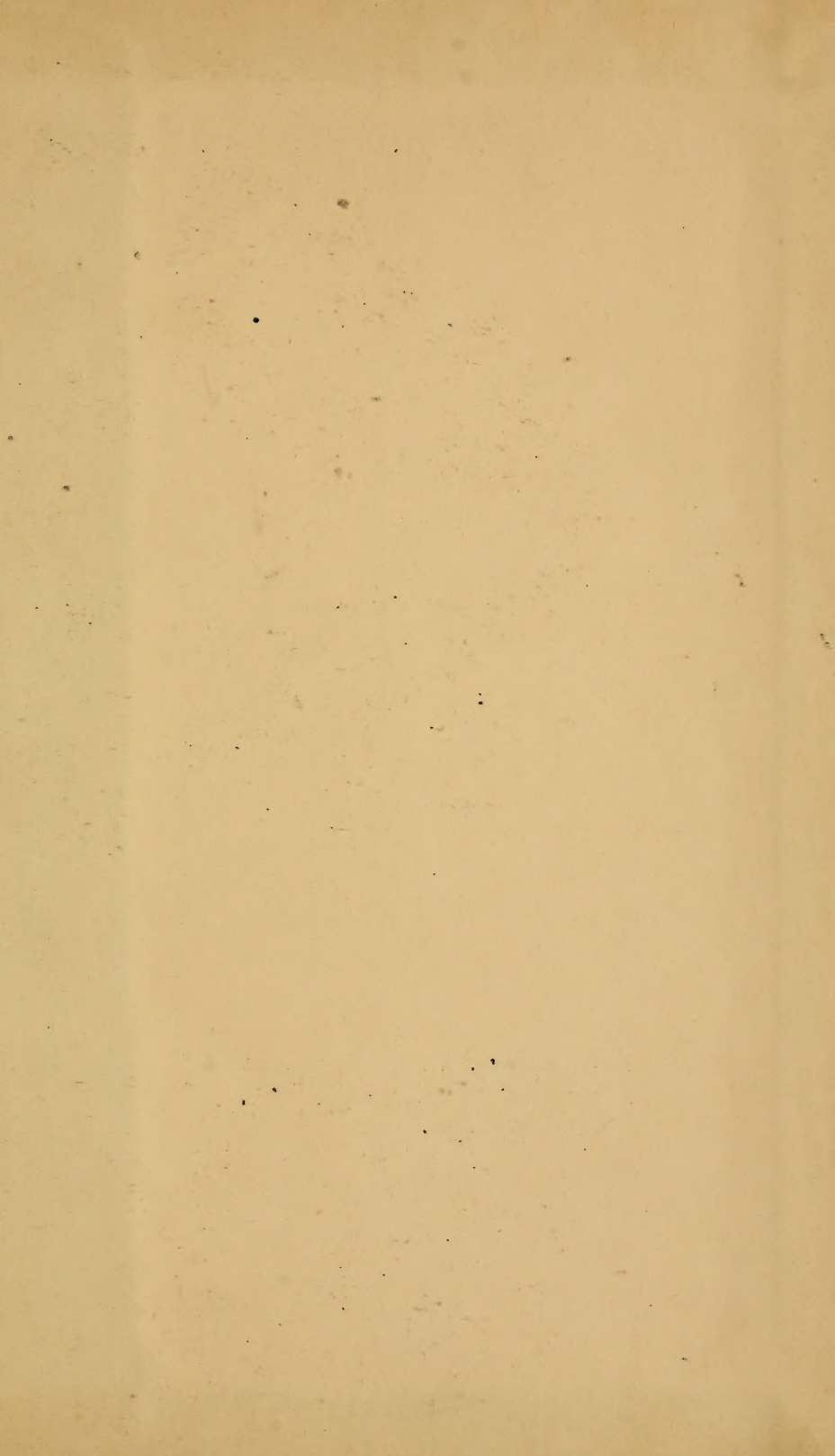
Conclu-
sion.

kindred, and tongue, and people, and nation, under the whole heavens, to come and rest under its protection.

May the same spirit of affection and fraternity, of patriotism and philanthropy, which prompted the people and states of America thus to pledge themselves to an IRREVOCABLE UNION, ever dwell with their descendants; and may the existence of this Mighty Nation in one great and harmonious Confederacy, be perpetuated under this Constitution, as in the hopes of its framers, till the Almighty shall blot out all the Empires of the earth.

THE END.





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